

SIXTY-EIGHTH DAY

(Monday, May 24, 1965)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 21, 1965 was dispensed with, and the Journal was approved.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1038, A bill to be entitled "An Act relating to the creation, organization, powers, and functions of a conservation and reclamation district in Mason County; and declaring an emergency."

H. B. No. 1106, A bill to be entitled "An Act relating to the creation of Presidio County Hospital District of Presidio County, Texas, by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 1133, A bill to be entitled "An Act relating to hunting deer

with dogs in Trinity County; amending Article 880, Penal Code of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 77, A bill to be entitled "An Act amending Section 3, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, and adding a new section to the Act so as to revise the list of boilers exempt from the Act or from certain sections thereof; and declaring an emergency."

S. B. No. 127, A bill to be entitled "An Act relating to the creation of an additional District Court for Lubbock County, Texas to be known as the District Court of the 137th Judicial District of Texas; and declaring an emergency."

(With amendments.)

S. B. No. 258, A bill to be entitled "An Act making unlawful the use of certain nets and seines for catching fish and shrimp in certain defined waters of the Gulf of Mexico adjacent to Padre, Mustang, St. Joseph and Matagorda Islands; providing penalties for violation; providing that the act shall be cumulative; and declaring an emergency."

(With amendments.)

S. B. No. 344, A bill to be entitled "An Act amending Chapter Twenty-One of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, as amended) by adding Article 21.28, between Section 12 and Section 13, a new Section to be designated Section 12A; authorizing appropriations from funds other than assets of insurers; declaring certain State policy; providing that the Liquidator and employees may be used for other Insurance Department duties when not involved in liquidation or conservation matters; providing a severability clause; and declaring an emergency."

S. B. No. 365, A bill to be entitled "An Act to amend Article 465 Revised Civil Statutes of Texas 1925, relating to the issuance of marriage licenses; providing for consent of either parent for the marriage of a minor to be given by said parent appearing before the County Clerk of any county in the United States of America and giving consent under oath; eliminating the requirement that application must be on file at least three days in the County Clerk's Office before issuing a marriage li-

cense to a minor, providing for a standard form of application for marriage licenses; providing for a consolidated statewide index of all marriage licenses; containing a repealing clause; containing a saving clause; and declaring an emergency."

(With amendments.)

S. B. No. 414, A bill to be entitled "An Act relating to the taxation of national, state, and private banks; amending Article 8, Chapter IX, Texas Banking Code of 1943, as last amended; and declaring an emergency."

S. B. No. 441, A bill to be entitled "An Act amending Section 1 (d) of House Bill No. 581, Acts 44th Legislature, Regular Session, 1935, Chapter 246, page 624, appearing as Article 6066a, Vernon's Civil Statutes, to provide for the presumption that certain oil is unlawful oil; providing for the rebuttal of such presumption; repealing all laws in conflict; and declaring an emergency."

S. B. No. 457, A bill to be entitled "An Act amending Article 1.13, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as added by section 1, Article VII, Chapter 24, Acts of the 57th Legislature, 1st Called Session, 1961, relating to acceptance of postmark as evidence of timely making of payments or filing of various documents; and declaring an emergency."

(With amendments.)

S. B. No. 465, A bill to be entitled "An Act amending Article 8276, Revised Civil Statutes of Texas, 1925, by providing that "consignee" shall include (i) the master, (ii) the owner, (iii) the agent, (iv) the sub-agent, and (v) any person, firm or corporation who enters or clears said vessel at the collector of customs; and further providing that the pilot who serves, or offers to serve, said vessel shall be entitled to recover lawful pilot fees, in any court of competent jurisdiction, jointly and severally from any one or more of said persons, firms, or corporations; and declaring an emergency."

S. B. No. 536, A bill to be entitled "An Act providing for the dissolution of Harris County Water Control and Improvement District No. 65; containing other provisions relating to the subject; providing a severability clause and declaring an emergency."

S. B. No. 557, A bill to be entitled "An Act permitting the commissioners courts of certain counties to use hospital operating funds for making permanent improvements to county hospitals and for paying hospital bonds; and declaring an emergency."

S. B. No. 578, A bill to be entitled "An Act authorizing conservation and reclamation districts created under Article 16, Section 59 of the Constitution, the boundaries of which include at least 80 per cent of the land drained by any single river system, to purchase, construct, improve, repair, operate and maintain works and facilities for the transportation, treatment and disposal of sewage and industrial waste and effluent and to issue bonds for such purposes pursuant to said Act; and declaring an emergency."

(With amendments.)

The House has concurred in Senate amendments to House Bill No. 203 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 635 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 699 by vote of 139 ayes, 2 noes.

The House has concurred in Senate amendments to House Bill No. 795 by vote of 141 ayes, 1 no.

The House has adopted the Conference Committee Report on House Bill No. 1041 by a vote of 138 ayes, 4 noes.

The House has adopted the Conference Committee Report on House Joint Resolution No. 1 by a vote of 108 ayes, 30 noes.

Pursuant to S. C. R. No. 9, the following committee was appointed: Mutscher, Mobley and Nugent of Kerr.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 107: Mann, Nugent of Kerr, Townsend, Armstrong and Knapp.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 529: Longoria, Edwards, Whatley, Rapp and Fletcher.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Reports of Standing Committees

Senator Herring submitted the following reports:

Austin, Texas,
May 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 164, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 379, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 840, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1051, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Ratliff submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 980, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 742, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 981, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 569, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1134, have had the same under consideration, and I am

instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

RATLIFF, Chairman.

Senator Blanchard submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 989, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Senator Creighton submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 390, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 907, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CREIGHTON, Chairman.

Senate Bill 585 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Bates:

S. B. No. 585, A bill to be entitled "An Act authorizing the Harlingen Trade Zone, Inc., to establish, operate and maintain a foreign trade zone adjacent to Harlingen, Cameron County, Texas, and other sub-zones;

authorizing the Harlingen Trade Zone, Inc., to apply to the Foreign Trade Zone Board, Washington, D. C., for a grant to permit the establishment, operation and maintenance of the foreign trade zone and sub-zones in accordance with federal laws and the regulations of the Federal Trade Zones Board; authorizing the acceptance of such grant; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 586 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

Senator Harrington:

S. B. No. 586, A bill to be entitled "An Act to amend Acts of the Fifty-Eighth Legislature, Acts 1963, Chapter 197, page 528; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Reports of Standing Committee

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1155, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1152, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to which was referred H. B. No. 687, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 1106, To the Committee on Counties, Cities and Towns.

Senate Concurrent Resolution 115

Senator Cole offered the following resolution:

S. C. R. No. 115, Directing the Water Pollution Control Board, the Bay Study Committee and other interested State Agencies to negotiate with the Health, Education, and Welfare Department, and the Corps of Engineers to secure a working model of the Galveston Bay system.

Whereas, The Bay Study Committee of the Texas Legislature, authorized by S. C. R. No. 60, 58th Legislature, and continued under S. C. R. No. 9, 59th Legislature, gained invaluable assistance in their studies of Galveston Bay from the Corps of Engineers working model of the Galveston Bay system at Vicksburg, Mississippi, and

Whereas, The Corps of Engineers has now concluded its experiments with this working model, and

Whereas, Preservation of this model would make possible continued investigations of the pollution problems of the Galveston Bay system, and

Whereas, The Federal Water Pollution Control Act provides for State-Federal cooperative projects such as scientific investigations of water pollution; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Water Pollution Control Board, the Bay Study Committee, and all other state agencies concerned, either directly or indirectly, be directed to negotiate with the U. S. Department of Health, Education, and Welfare and the Corps of Engineers, U. S. Army, for the preservation of the working model of the Galveston Bay system for scientific water pollution studies.

COLE
KRUEGER

The resolution was read.

On motion of Senator Cole and by unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 738

Senator Krueger offered the following resolution:

Whereas, The Pages of the Senate of The State of Texas for the Fifty-ninth Legislature desire to serve their State as Senators for a day; and

Whereas, They desire to carry out these duties in a session in the Senate Chamber; and

Whereas, The Pages have received the permission of each Senator and the Lieutenant Governor to perform such duties for a day; and

Whereas, It is the desire of the Senate to commend the Pages for their diligence during the Regular Session of the Fifty-ninth Legislature; now, therefore, be it

Resolved, By the Senate of the State of Texas that Saturday, May 29, be officially designated as Page Day in the Senate.

The resolution was read and was adopted.

Reports of Standing Committee

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 585, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1057, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 760, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senate Concurrent Resolution 116

Senator Cole offered the following resolution:

S. C. R. No. 116, Directing the Parks and Wildlife Department to enter into a contract with the San Jacinto Museum of History Association regarding the maintenance and custody of the San Jacinto Museum.

Whereas, The San Jacinto Museum of History Association, an organization of patriotic Texans, and private non-profit Texas corporation, under contract with the State Board of Control entered into pursuant to Senate Concurrent Resolution No. 21 of the 46th Legislature of the State of Texas, and also pursuant to Senate Concurrent Resolution No. 18 of the 47th Legislature of Texas, and also pursuant to Senate Concurrent Resolution No. 4 of the 49th Legislature of Texas in 1945, and also pursuant to Senate Concurrent Resolution No. 35 of the 50th Legislature of Texas in 1947, and also pursuant to Senate Concurrent Resolution No. 10 of the 51st Legislature of Texas in 1949, and also pursuant to Senate Concurrent Resolution No. 43 of the 52nd Legislature of Texas in 1951, and also pursuant to Senate Concurrent Resolution No. 46 of the 53rd Legislature of Texas in 1953, and also pursuant to Senate Concurrent Resolution No. 29 of the 54th Legislature of Texas in 1955, has had the care, custody and control of the San Jacinto Memorial Building and Tower on the San Jacinto Battleground since the Memorial Tower was opened generally to the public on April 21, 1939; has maintained and operated the same, and the elevator therein; and the Historical Museum in the base thereof, with funds raised by public subscription and funds derived from reasonable charges for the use of the elevator and the sale of souvenirs in and about said Memorial Tower, all without charge to the State of Texas

for such contractual services and functions of The San Jacinto Museum of History Association; and

Whereas, Pursuant to House Bill 102 enacted into law by the current 59th Legislature of Texas, control and custody of the San Jacinto Battleground were transferred from the State Board of Control to the Parks and Wildlife Commission of the State of Texas, and Senate Concurrent Resolution No. 29 of the 54th Legislature of Texas was repealed, in consequence of which the Contract between The San Jacinto Museum of History Association and the State Board of Control in reference to the care and custody of the San Jacinto Memorial Building and Tower will terminate as of the date upon which such House Bill 102 of this 59th Legislature of Texas becomes effective; and,

Whereas, The Historical Museum maintained in the Museum Rooms in the base of the Memorial Tower is of great educational value, and has attracted the most favorable state, national, and international approval and interest, giving life and vitality to the building and attracting persons who would not otherwise visit the Memorial Tower and grounds, thereby increasing the revenue from the operation of the elevator and the sale of souvenirs; and

Whereas, During the period of its operation, the Museum has accumulated in excess of 100,000 accession items of historical value, some exceedingly rare and of great monetary value, acquired by individuals at great expense and donated to the Museum; and the Museum, on account of the permanency of the building and the historical event which it commemorates, from time to time is being made the recipient of valuable historical records by old families of Texas, who have selected the Museum as the repository of such records, in order that they may be preserved for posterity; and

Whereas, Such historical materials should be continuously sought after, received, catalogued, filed and properly arranged and preserved for the purpose of historical research and study, and at the same time exhibited and displayed to the public and made of public use and benefit in the portrayal and revisualization of our history, all of which requires museum

cases, improved spaces and facilities adapted to the architecture of the building and the purposes for which it is used, and personnel adequately qualified in the excellent undertaking of such matters; and

Whereas, Funds deriving from reasonable charges for the use of the elevator and from the sale of souvenirs in and about the Memorial Building and Tower have proved to be inadequate, without additional sums from other sources, to provide for the structural maintenance and improvement of the San Jacinto Memorial Building and Tower as well as the operation thereof and the operation and maintenance of an Historical Museum of the first class therein, in consequence of which the Trustees of The San Jacinto Museum of History Association, by public subscription and private donation since the passage of Senate Concurrent Resolution No. 21 of the 46th Legislature of Texas in 1939, have from time to time raised additional funds for use in the operation and maintenance of the San Jacinto Memorial Building and Tower and the Historical Museum therein, in excess of \$105,000.00 of which funds have been expended for Museum cases, furniture and fixtures, for the installation of a high-speed elevator in the Memorial Tower providing more rapid and convenient access to and from the observation floor in the Memorial Tower and thereby increasing revenues from the use of the elevator by the public, as well as for the making of repairs to the Memorial Building and Tower, the terraces surrounding the same and lighting fixtures incident thereto, and in recognition of which the 58th Legislature of Texas in 1963 appropriated \$156,000.00 for the making of structural repairs to the Memorial Building and Tower and the terraces surrounding the same; and

Whereas, Since the control and custody of the San Jacinto Memorial Building and Tower have been committed to the Parks and Wildlife Commission of the State of Texas pursuant to House Bill 102 of this 59th Legislature, and since the operation of the San Jacinto Memorial Building and Tower and the Historical Museum therein are so correlated and of such importance to the State of Texas that they should be considered as one project, and

all revenues derived from the operation of the elevator in the Memorial Tower and from the sale of souvenirs in and about the building should be used for the operation of the Memorial Building and Tower and for the operation and maintenance of the Historical Museum therein and in the expansion, improvement and development of the Museum; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that as of the effective date of House Bill 102 of this 59th Legislature, the Parks and Wildlife Commission be authorized to enter into a contract with The San Jacinto Museum of History Association, whereby the care, custody and control of the interior of the San Jacinto Memorial Building and Tower and the terrace rest rooms immediately adjacent to the Memorial Building will be given to and continue in The San Jacinto Museum of History Association until otherwise provided by the Legislature of Texas, to be maintained in good order by said Association to the extent of and with funds derived from the operation of the elevator in the Memorial Tower and the sale of souvenirs in and about the Memorial Building and after due application of such funds to the operation of the Memorial Building and Tower and of an Historical Museum of the first class therein, expended and applied by said Association with the approval of the Parks and Wildlife Commission and without charge to the State of Texas for the services and functions of said Association under said contract, and requiring the Association to make no charge to the public for entering said Memorial Building or Historical Museum; and, be it further

Resolved, That said contract shall provide that The San Jacinto Museum of History Association, subject to the approval of the Parks and Wildlife Commission, shall have authority to sell souvenirs and operate a concession in and about said San Jacinto Memorial Building and Tower and to make a reasonable charge, approved by the Parks and Wildlife Commission, for the use of the elevator to the observation floor of the Memorial Tower; and that the moneys heretofore and hereafter so collected shall be used exclusively by The San Jacinto Museum of History

Association, under and subject to the approval of the Parks and Wildlife Commission, for the maintenance, upkeep repair and improvement of the interior of the San Jacinto Memorial Building and Tower and the terrace rest rooms adjacent thereto, and for the operation thereof and the elevator therein, and for the maintenance, upkeep, operation, improvement and expansion of the Historical Museum therein, and the acquisition, care, maintenance, preservation and exhibition of historical materials, and the procurement of the necessary equipment (including air conditioning equipment), museum cases, cabinets, files and other facilities useful and necessary in the conduct, maintenance and operation of an Historical Museum of the first class, and for the payment of salaries of the director, archivist, receptionist, engineers, elevator operators, janitors and watchmen, and other services of employees necessary for the operation and maintenance of the interior of the San Jacinto Memorial Building and Tower and terrace rest rooms and the operation and maintenance of such Historical Museum, and any surplus of such funds over the amount necessary for the operation and maintenance of the interior of the Memorial Building and Tower and terrace rest rooms and for the operation and maintenance of such Historical Museum of the first class may be likewise used, when approved by the Parks and Wildlife Commission, in the furtherance in part of any project for the improvement of the San Jacinto Battleground that is being made under the authority of the Parks and Wildlife Commission or in conjunction with any other agency of the State or Federal Government; and, be is further

Resolved, That said contract shall provide that The San Jacinto Museum of History Association shall submit to the Parks and Wildlife Commission, for its examination and approval or disapproval, a detailed monthly report of all collections and expenditures made of such funds, and shall have its books of account of such funds audited regularly by the State Auditor; and in addition, such books shall further be audited annually by a competent and disinterested certified public accountant, as the Parks and Wildlife Commission shall so direct, and the result of such exam-

ination and audit submitted to the Parks and Wildlife Commission; and, be is further

Resolved, That in accordance with House Bill 102 enacted into law by this 59th Legislature, all historical data and Museum items held in the name of The San Jacinto Museum of History Association on the effective date of said contract shall remain the property of The San Jacinto Museum of History Association, and those Museum Accessions theretofore or which may thereafter be acquired by The San Jacinto Museum of History Association from gifts, grants, bequests, donations or with such funds in the custody and control of The San Jacinto Museum of History Association now and in the future shall become and remain the property of the said Association.

The resolution was read.

On motion of Senator Cole and by unanimous consent the resolution was considered immediately and was adopted.

House Bill 1134 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 1134 was ordered not printed.

House Bill 569 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 569 was ordered not printed.

House Bill 1155 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 1155 was ordered not printed.

House Bill 164 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 164 was ordered not printed.

House Bill 760 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. B. No. 760 was ordered not printed.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1128, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

House Bill 1128 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent H. B. No. 1128 was ordered not printed.

House Bill 907 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent H. B. No. 907 was ordered not printed.

House Bill 390 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 390 was ordered not printed.

House Bill 742 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 742 was ordered not printed.

House Bill 980 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 980 was ordered not printed.

House Bill 981 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 981 was ordered not printed.

Senate Bill 585 Ordered Not Printed

On motion of Senator Bates and by unanimous consent S. B. No. 585 was ordered not printed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 45, A bill to be entitled "An Act to amend Article 3930 and Article 3930a of the Revised Civil Statutes of Texas, 1925; this amendment relates to fees which county clerks and clerks of county courts shall receive for their services; providing for increased fees for instruments not meeting certain minimum standards; providing for the disposition of and accounting for all fees collected under this Act; containing a repealing clause repealing all laws and parts of laws, in conflict, and to the extent of conflict only, with the provisions of this Act; containing a saving clause and declaring an emergency."

H. B. No. 335, A bill to be entitled "An Act directing the Commissioners Court of Lubbock County to supplement the salary of the District Judge of the 137th Judicial District of Texas; making other provisions relating thereto; and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act relating to certain illegal means of taking fish in the Angelina River and Mud Creek in Rusk, Nacogdoches, and Cherokee Counties; and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act designating private vehicles operated by volunteer firemen while answering a fire alarm as authorized emergency vehicles under the Uniform Act Regulating Traffic on Highways; amending Subsection (d), Section 2, Chapter 421, Acts of the 50th Legislature, 1947, as amended; and declaring an emergency."

H. B. No. 515, A bill to be entitled "An Act relating to competitive bidding on contracts and purchases made by trustees of school districts; amending Article 2752a, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act relating to vacant school land; amending Chapter 271, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended by adding a new section; and declaring an emergency."

H. B. No. 765, A bill to be entitled "An Act relating to the franchise tax exemption for corporations organized

for purely public charity; amending Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding a new Article 12.03A; and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act providing for purchase of retirement credit for teaching service in a private school or parochial school in Texas; providing a severability clause; and declaring an emergency."

H. B. No. 845, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, and to be known as "Liberty-Hardin Counties Conservation District"; providing for the boundaries thereof; providing that the area within the District shall be benefited thereby; providing for methods of adding land to said District; providing for the management and control of said District, for the first Board of Directors, the election of Directors; for the organization of the Board of Directors, providing powers and duties of the Board of Directors and their compensation; providing for record keeping of the financial affairs of said District; providing for selection of depositories; prescribing its rights, powers, privileges and duties; providing that its powers shall not affect the right of authorities of an incorporated city or district; prescribing certain additional powers and functions; requiring bids on all purchases in excess of \$1,000; providing that only easements may be acquired by eminent domain proceedings; providing for restoration of highways, streets, alleys or public grounds entered by the District; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; limiting the taxing power of the District; providing for the methods of assessing and collecting taxes; excluding the homestead exemption; providing for the issuance of bonds and holding elections to authorize same; providing that its bonds are legal and authorized investments; containing other provisions relating to the subject; abolishing certain districts heretofore created; providing a method of dissolving the district; providing a severability clause; and declaring an emergency."

H. B. No. 896, A bill to be entitled "An Act providing for the establishment of additional state schools for the custody, diagnosis, care and training of delinquent children; directing the Texas Youth Council to acquire sites for such schools; placing such schools under the jurisdiction of the Texas Youth Council; providing for the construction, operation and maintenance of such schools, authorizing the employment of necessary personnel; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 904, A bill to be entitled "An Act concerning the payment of aid and compensation to persons who have paid fines or served sentences for crimes of which they are not guilty; and declaring an emergency."

H. B. No. 968, A bill to be entitled "An Act amending Section 2 of Chapter 3, page 68, Acts of the 46th Legislature, Regular Session, 1939, (codified as Article 306a, Texas Civil Statutes), relating to prerequisites for taking the regular examination for license to practice law; making this Act severable; repealing all laws in conflict; and declaring an emergency."

H. B. No. 991, A bill to be entitled "An Act authorizing creation of vocational school districts; providing for vocational education programs and for their financing, management, operation, curriculum, and eligibility for enrollment; and declaring an emergency."

H. B. No. 1026, A bill to be entitled "An Act amending Chapter 30 Acts of the 55th Legislature, First Called Session, 1957, by correcting and redefining the boundaries of the Darr's Creek Watershed Authority, and validating Darr's Creek Watershed Authority and all Acts and proceedings performed, had, or attempted pursuant to said Act; and declaring an emergency."

H. B. No. 1042, A bill to be entitled "An Act relating to the creation, organization, powers and functions, of a conservation and reclamation district to be known as the Upper Colorado River Authority; and declaring an emergency."

H. B. No. 1058, A bill to be entitled

"An Act relating to the organization, powers, and functions of the Upper Guadalupe River Authority; amending Sections 2, 3, and 10-A, Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, 1939, as amended; and declaring an emergency."

H. B. No. 1059, A bill to be entitled "An Act relating to the creation, organization, powers, and duties of an underground water conservation district located in Schleicher County; and declaring an emergency."

H. B. No. 1060, A bill to be entitled "An Act prohibiting the sale or offer of sale of certain types of motor vehicle keys and declaring an emergency."

H. B. No. 1066, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Tree-line Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for terms and election of directors and notice of directors elections, and related matters; providing for directors to fill vacancies; providing for organization of board of directors; providing for a secretary pro tem; providing for employment of engineers, auditors, attorneys, and other employees; providing for approval of District's plans and specifications by the Texas Water Com-

mission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to Harris County; providing District shall bear expenses of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing that the Municipal Annexation Act shall have no application to this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District, and related matters; providing that Article 7880-75b shall be applicable to this District but requiring additional requisites prior to annexation of territory, and related matters; providing additional powers of District within and without boundaries of District but limited to Harris County; providing for the sale of bonds of the District and the exchange of bonds for property and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 1084, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Timberlake Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and

boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for terms and election of directors and notice of directors elections, and related matters; providing for directors to fill vacancies; providing for organization of board of directors; providing for a secretary pro tem; providing for employment of engineers, auditors, attorneys, and other employees; providing for approval of District's plans and specifications by the Texas Water Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to Harris County; providing District shall bear expenses of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing that the Municipal Annexation Act shall have no application to this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District, and related matters; providing that Article 7880-75b shall be applicable to this District but requiring additional requisites prior to annexation of territory, and related matters; pro-

viding additional powers of District within and without boundaries of District but limited to Harris County; providing for the sale of bonds of the District and the exchange of bonds for property and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 1113, A bill to be entitled "An Act authorizing the governing bodies of certain cities to provide that elections be held on the place system; and declaring an emergency."

H. B. No. 1126, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59 of the Constitution of Texas, to be known as 'Braeburn West Utility District'; defining the boundaries; determining and finding benefits to the land and other property within the District; finding that the boundaries of the District form a closure; conferring rights, powers, privileges, authorities and functions upon the District; providing that the District shall not call a confirmation election or a hearing on the exclusion of lands; providing that the District shall use the ad valorem plan of taxation; providing for the issuance of bonds; providing for a Board of Directors; providing for the use of public roadways, streets, alleys and public easements; providing that the District shall bear the expense of relocation of certain properties and facilities; providing for the power to contract with the United States of America, the State of Texas and others, and making provision for such contracts; providing for the power to borrow money; providing for the appointment of a depository; providing for a system of accounts and an audit thereof; finding that the District will

be carrying out an essential public function; providing that the Municipality Annexation Act is not applicable to the creation of the District; finding that the requirements of Article 16, Section 59 of the Constitution have been accomplished; providing that the enactment of this Act is essential and necessary in the preservation and conservation of natural resources; providing a severability clause; and declaring an emergency."

H. B. No. 1127, A bill to be entitled "An Act creating a Conservation and Reclamation District under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as Galveston County Water Authority of Galveston County, Texas; prescribing its rights, powers, privileges, duties; providing said District shall have no power to levy taxes; providing other limitations on the District's powers; providing that the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; providing that its bonds are legal and authorized investments; containing provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 1132, A bill to be entitled "An Act relating to the construction of cattle guards by counties on certain roads; amending Article 6704, Revised Civil Statutes, 1925, as amended; and declaring an emergency."

H. B. No. 1136, A bill to be entitled "An Act relating to the creation, organization, powers, and functions of a conservation and reclamation district located in Angelina, Jasper, Nacogdoches, Sabine, San Augustine, and Shelby Counties; and declaring an emergency."

H. B. No. 1137, A bill to be entitled "An Act amending Chapter 279, Acts of the 55th Legislature, Regular Session, 1957, pertaining to the Pond Creek Watershed Authority; finding a benefit to all land and other property within the Authority; providing Authority was and is created to serve a public use and benefit; defining the boundaries of the Authority; finding a closure and related matters; authorizing the Authority to have all applicable powers in Public Law 566 of the 83rd Congress, Ch. 656 of the

2nd Session, H. R. 6788, and amendments thereto and adopting same by reference; exempting property of Authority and bonds of Authority from taxation; providing for no election for confirmation; adopting the ad valorem plan of taxation for the Authority; providing for bonds of Authority to be eligible investments; appointing a Board of Directors and related matters; providing for the amount and kind of bonds for directors; providing that certain provisions of Article 7880-77b, Vernon's Civil Statutes, as amended, shall not apply to this Authority; authorizing the Board of Directors to use maintenance tax funds for easements and rights-of-way and for bond purposes or bond sinking funds and providing determination of such by the Board of Directors is final except for fraud, palpable error or gross abuse of discretion; providing it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data to be filed in the office of the Authority before a bond election is held and it shall not be necessary to secure approval of the Texas Water Commission prior to the issuance of bonds by the Authority, but requiring approval of Texas Water Commission prior to construction of any project; providing bonds issued by the Authority shall be incontestable after approval by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing a severability clause; and declaring an emergency."

H. B. No. 1138, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Blue Water Municipal Utility District of Brazoria County, Texas'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions relating to addition of land; providing that its bonds are legal and authorized investments; providing for selection of a depository; containing other provisions relating to the subject; providing a severability clause; reciting proof of publication of Constitutional notice; and declaring an emergency."

H. B. No. 1139, A bill to be entitled

"An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Treasure Island Municipal Utility District of Brazoria County, Texas'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions relating to addition of land; providing that its bonds are legal and authorized investments; providing for selection of a depository; containing other provisions relating to the subject; providing a severability clause; reciting proof of publication of Constitutional notice; and declaring an emergency."

H. B. No. 1140, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Folletts Island Water Supply District of Brazoria County, Texas' prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions relating to addition of land; providing that its bonds are legal and authorized investments; providing for selection of a depository; containing other provisions relating to the subject; providing a severability clause; reciting proof of publication of Constitutional notice; and declaring an emergency."

H. B. No. 1143, A bill to be entitled "An Act relating to the election of trustees of independent School districts in certain counties; and declaring an emergency."

H. B. No. 1146, A bill to be entitled "An Act relating to the creation, administration, powers and duties, and financing of and the transfer of existing facilities to the Terry Memorial Hospital District in Terry County; and declaring an emergency."

H. B. No. 1151, A bill to be entitled "An Act relating to the form and style of legislative documents; and declaring an emergency."

H. B. No. 1161, A bill to be entitled "An Act creating and establishing a

conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, comprising all the territory contained within the boundaries of Franklin County, Texas, to be known as Franklin County Water District; constituting the same a governmental agency and body politic and corporate and a municipal corporation; defining the boundaries thereof and finding that all land and property therein will be benefitted and no exclusion hearing shall be held, and that no election shall be necessary to confirm the organization of the District nor shall hearings be held on a plan of taxation but the ad valorem plan shall be used; prescribing the rights, powers, privileges and duties of said District and incorporating the general laws pertaining to water control and improvement districts not in conflict or inconsistent with the provisions of this Act; providing for a board of directors, their terms, the filling of vacancies, the election of successors, and prescribing the duties and qualifications for such directors; prescribing the purpose for which bonds may be issued; the methods of securing the payment and the procedure for the issuance of such bonds; requiring all bonds payable in whole or in part from taxes, except refunding bonds, to be approved by the resident qualified property taxpaying voters whose property has been duly rendered for taxation and providing terms and conditions for the issuance of bonds and the sale thereof; providing for approval by the Texas Water Commission of plans and specifications of projects to be financed by the sale of bonds; prescribing the manner in which such elections shall be called, held and notice thereof given; exempting the District's bonds from taxation; providing that the District shall have the power to fix rates and charges for services furnished; providing for a District depository and its selection; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and providing that the cost of relocation, raising, re-routing, or changing the grade or altering the construction of any highway, railroad, electric transmission line or telegraph properties and facilities shall be borne by the District; enacting the provisions relating to contracts with a City and providing that the District may ac-

quire water rights under certain terms and conditions; providing that bonds of the District shall be authorized investments in certain instances and shall be eligible to secure the deposit of certain funds; declaring the District essential; making certain findings relating to the publication of the notice of intention to apply for the passage of this Act; enacting provisions incident and relating to the subject; providing a savings clause; and declaring an emergency."

H. B. No. 1168, A bill to be entitled "An Act relating to the powers of certain cities and counties with respect to the construction, operation, and financing of park and fairground facilities; amending Chapter 349, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 1172, A bill to be entitled "An Act authorizing any water power control district heretofore or hereafter organized to enter into contracts with any person, firm or corporation for the sale or disposal of salt water for pollution control; authorizing any water power control district to accept works and facilities for pollution control from a non-profit corporation; authorizing the issuance of revenue bonds without an election for the construction and acquisition of pipe lines, pumps, and facilities necessary for the sale or disposal of salt water for pollution control and providing for the payment and security thereof; authorizing the issuance of refunding bonds; authorizing other provisions relating to the subject; and declaring an emergency."

H. B. No. 1173, A bill to be entitled "An Act to provide for the sale and issuance of a patent on certain unpatented Permanent Free School Fund land in Hardin County with a reservation of all minerals, along with the leasing rights to the State; and containing an emergency clause."

H. B. No. 1174, A bill to be entitled "An Act ratifying, confirming, approving and validating proceedings and actions had and taken by the governing body of Logan-Slough Creek Improvement District, all notices, including but not limited to those for the exclusions hearing, bond election, hearing on plan of taxation, and all proceedings relating thereto, and all elections and hearings, and

all bonds heretofore authorized by an election for and within said District; providing for the incontestability of said bonds, providing a non-litigation clause; providing a saving clause; and declaring an emergency."

H. B. No. 1177, A bill to be entitled "An Act providing for the election of trustees of independent school districts in counties with population of more than one hundred forty thousand (140,000) and less than one hundred fifty-five thousand (155,000) and with a scholastic population of more than six hundred (600) and less than seven hundred fifty (750); providing the method of electing trustees; providing the method of canvassing such elections; providing that this act shall be cumulative; and declaring an emergency."

H. C. R. No. 20, Requesting Texas Legislative Council to continue its study on mass transportation.

H. C. R. No. 30, Memorializing Congress to continue in effect Section 14(b) of the Taft-Hartley Act.

H. C. R. No. 69, Creating a special interim committee to study the possibility of developing Pleasure Island in Jefferson County into a state park.

H. C. R. No. 73, Requesting a study by the Texas Legislative Council of county government systems.

H. C. R. No. 74, Granting permission to the Communications Workers of America, Local 6222, to sue the State of Texas and the State Highway Department.

H. C. R. No. 91, Requesting the Texas Legislative Council to study the fee structure and fee system applying to district and county clerks in Texas.

H. C. R. No. 108, Granting permission to Upton Mickle and Abbie Roberts to join the State of Texas as a party defendant in certain law suit or to sue the State in an original action.

H. C. R. No. 119, Granting permission to Victor Guggenheim, Jr., to bring suit against the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 120, Granting permission to Mr. and Mrs. W. H. Hodges of Dallas County, Texas, to bring suit against the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 121, Granting permission to N. F. Faas and Ruby May Faas to sue the State of Texas, the State Highway Commission, and the State Highway Department.

H. C. R. No. 122, Granting permission to John F. Rountree and wife, Annie Rountree, and Lola Pearl Bartoli and husband, Tony Bartoli to sue the State of Texas and the State Highway Commission.

H. C. R. No. 123, Granting permission for W. H. Farner and Charles Mooney of Dallas County, Texas to bring suit against the State of Texas.

H. C. R. No. 124, Granting permission to Nellie V. Morgan to sue the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 125, Granting permission for William W. Bishop, Betty Bishop Teeter, William J. Teeter and C. A. Cowles, Jr., of Dallas County, Texas, to bring suit against the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 126, Granting permission to Estelle Thomas Jackson of Dallas County, Texas, to sue the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 127, Granting permission to J. G. Wessels of Dallas County, Texas, to bring suit against the State of Texas, the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 128, Granting permission to Paul F. Martinson to bring suit against the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 129, Granting permission for Mrs. Robert L. Miller of Dallas County, Texas to bring suit against the State of Texas and the State Highway Department.

H. C. R. No. 133, Granting permission to James Albert Peikert and the other heirs of A. S. Peikert to sue the State of Texas.

H. C. R. No. 138, Granting Henry J. Friesenhahn and wife, Margaret Friesenhahn permission to sue the State of Texas.

H. C. R. No. 143, Congratulating Donald Addison Lee.

H. C. R. No. 149, Authorizing certain corrections in H. B. No. 821.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Bill 209 Re-referred

On motion of Senator Snelson and by unanimous consent H. B. No. 209 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
May 24, 1965.

To the 59th Legislature, Regular Session:

Pursuant to the provisions of Section 5 of Article III of the Constitution of the State of Texas, I herewith submit as emergency matters the following:

1. A tax bill increasing the state tax on cigarettes from eight cents to eleven cents per package, effective July 1, 1965; and a change in the inheritance tax law to put a 15-month limitation from date of death on the due date of the state tax.

2. A biennial appropriation of \$4,000,000 from the General Revenue fund to the Texas Tourist Development Agency for the purpose of constructing buildings and facilities for HemisFair 1968.

The above recommendations on new revenue are sufficient to finance the state's portion of the cost of the salary increase for public school teachers under Senate Bill 4, the HemisFair appropriation, and the claims bill.

Respectfully submitted,
JOHN CONNALLY,
Governor.

House Bill 754 Re-referred

On motion of Senator Watson and by unanimous consent H. B. No. 754 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Motion to Place Committee Substitute Senate Bill 134 on Second Reading

Senator Creighton asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 134 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up C. S. S. B. No. 134 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—19

Bates	Kennard
Blanchard	Moore
Calhoun	Ratliff
Cole	Reagan
Creighton	Richter
Crump	Rogers
Harrington	Snelson
Hazlewood	Spears
Herring	Watson
Hightower	

Nays—11

Aikin	Krueger
Colson	Parkhouse
Dies	Patman
Hall	Strong
Hardeman	Word
Kazen	

Absent

Schwartz

Committee Substitute Senate Joint Resolution 3 on Second Reading

Senator Harrington asked unanimous consent to suspend the regular order of business and take up C. S. S. J. R. No. 3 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up C. S. S. J. R. No. 3 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Patman
Bates	Ratliff
Cole	Reagan
Colson	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Nays—8

Blanchard	Hardeman
Calhoun	Hazlewood
Creighton	Hightower
Crump	Parkhouse

Absent

Moore

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. J. R. No. 3, Proposing an amendment to Section 1-b, Article VIII, Constitution of the State of Texas, to exempt persons 65 years of age or older from one-half of the local ad valorem taxes on the first \$3,000 of assessed valuation on residence homesteads.

The resolution was read second time and passed to engrossment.

Record of Vote

Senators Hardeman, Hazlewood, Parkhouse and Creighton asked to be recorded as voting "Nay" on the passage to engrossment of C. S. S. J. R. No. 3.

Motion to Place Committee Substitute Senate Joint Resolution 3 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. J. R. No. 3 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—22

Aikin	Bates
-------	-------

Cole	Ratliff
Colson	Reagan
Dies	Richter
Hall	Rogers
Harrington	Schwartz
Herring	Snelson
Kazen	Spears
Kennard	Strong
Krueger	Watson
Putman	Word

Nays—9

Blanchard	Hazlewood
Calhoun	Hightower
Creighton	Moore
Crump	Parkhouse
Hardeman	

House Bill 840 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 840 was ordered not printed.

House Bill 851 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 851 was ordered not printed.

Reports of Standing Committees

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 243, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOORE, Chairman.

Senator Blanchard by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 974, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

House Bill 974 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 974 was ordered not printed.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 106, Conveying gratitude and appreciation to R. E. (Bob) Smith, et al.

S. C. R. No. 67, Granting permission to H. Kempner Cotton Company to sue the State of Texas for the determination of the amount of franchise taxes overpaid the State of Texas by said company.

S. C. R. No. 73, Granting permission to Trotti & Thompson, Inc. to sue the State of Texas.

Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1106, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 754, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was

referred H. B. No. 209, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Rogers by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 227, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 413, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

House Bill 1106 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1106 was ordered not printed.

Report of Standing Committee

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 607, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Bills Signed

The President signed in the presence of the Senate after the caption

had been read, the following enrolled bills:

S. B. No. 397, A bill to be entitled "An Act amending Paragraph 3 of Section 5, Chapter 3, Page 465, Acts, 46th Legislature, 1939 (codified as Section 3 of Article 5421C-3, Vernon's Texas Civil Statutes) to remove the Governor from the School Land Board and substituting one citizen of the state appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; repealing Section 5 of Chapter 442, Acts, 58th Legislature, 1963; and declaring an emergency."

S. B. No. 392, A bill to be entitled "An Act repealing paragraph (q), Section 19, Chapter 465, Acts of the Second Called Session, Forty-fourth Legislature, 1935, as amended by Chapter 205, Acts of the Fifty-fourth Legislature, 1955, codified as paragraph (q), Section 19, Vernon's Civil Statutes; repealing Article 3897 of the Revised Civil Statutes of Texas, 1925; repealing any statute in conflict herewith; providing for a repealing clause; and declaring an emergency."

S. B. No. 335, a bill to be entitled "An Act to increase the punishment for simple assault and assault and battery; amending Article 1145, Penal Code of Texas, 1925; and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 1136, To the Committee on Counties, Cities and Towns.

H. B. No. 1137, To the Committee on Counties, Cities and Towns.

Conference Committee Report on Senate Bill 529

Senator Bates submitted the following Conference Committee Report on S. B. No. 529:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differ-

ences between the Senate and the House of Representatives on Senate Bill 529 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BATES
COLE
MOORE
PARKHOUSE
HARDEMAN

On the part of the Senate.

LONGORIA
EDWARDS
FLETCHER
WHATLEY

On the part of the House.

S. B. No. 529, A bill to be entitled "An Act relating to the salary of the Judge of the County Court at Law of Hidalgo County; amending Section 11, Chapter 25, Acts of the 52nd Legislature, 1951; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 11, Chapter 25, Acts of the 52nd Legislature, 1951 (Article 1970-341, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 11. (a) The Judge of the County Court at Law of Hidalgo County is entitled to receive an annual salary of between \$11,500 and \$13,500, the exact amount of which shall be fixed by the commissioners court of Hidalgo County. The salary shall be paid in the same manner and from the same fund as prescribed by law for payment of the salary of the County Judge of Hidalgo County.

"(b) The judge of the county court at law shall assess the fees prescribed by law for county judges, which shall be collected by the clerk of the court and paid into the county treasurer, and which may not be paid to the judge."

Sec. 2. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Senate Bill 538 With House Amendments

Senator Rogers called S. B. No. 538 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend Senate Bill No. 538 by striking all below the enacting clause and substituting the following:

Section 1. Section 1 of the Act creating Green Belt Municipal and Industrial Water Authority, being Chapter 35, Acts of the First Called Session of the 53rd Legislature (herein called "Act") is hereby amended so that said Section shall be as follows:

"Section 1. By virtue of Article XVI, Section 59 of the Texas Constitution, there is hereby created a conservation and reclamation district to be known as 'Greenbelt Municipal and Industrial Water Authority,' (hereafter called 'Authority') which shall be a governmental agency and a body politic and corporate."

Sec. 2. Section 2 of the Act creating Green Belt Municipal and Industrial Water Authority is hereby amended so that said section shall be as follows:

"Section 2. The Authority shall comprise all of the territory which was contained within the Cities of Childress, Clarendon, Hedley, Memphis, Quanah, on March 1, 1954; and Crowell (the territory contained in the City of Crowell was annexed to the Authority by action of the Texas Water Commission on October 21, 1963); provided, however, that no defect in the definition of the boundaries of any of said cities or in any past or future proceedings for the annexation of territory to any of said cities shall affect the validity of the Authority hereby created or any of its powers or duties. It is hereby found that all of the land thus included in said Authority will be benefitted by the improvements to be acquired and constructed by said Authority."

Sec. 3. Section 3 of the Act is hereby amended so that said section shall be as follows:

"Section 3. (a) All powers of the

Authority shall be exercised by a board of directors. Such directors shall be appointed by majority vote of the governing body of each of the cities contained in the Authority. In appointing the first directors, the governing body of each city shall appoint one (1) director who shall serve to and including May 31, 1955. On or before April 1, 1955, the then members of the Board of Directors shall by lot determine which of four (4) such members shall be appointed by the governing body of his city to serve until May 31, 1956, and which of four (4) shall be appointed by the governing body of his city to serve until May 31, 1957. In May, 1956, the governing body of the city, whose members' term expires May 31, 1956, shall appoint a director for the two (2) year term beginning on June 1 of that year. Thereafter in May of each year the governing body of each city whose director's term expires on the succeeding May 31, shall appoint a director to serve for a two (2) year term beginning on June 1 of that year. Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and qualified. No person shall be appointed a director unless he resides in and owns taxable property in the city from which he is appointed. No member of a governing body of a city, and no employee of a city shall be appointed as director. Such directors shall subscribe the Constitutional oath of office, and each shall give bond for the faithful performance of his duties in the amount of five thousand dollars (\$5,000), the cost of which shall be paid by the Authority.

"(b) Each director may receive a fee of twenty dollars (\$20.00), for attending each meeting of the Board, provided that not more than forty dollars (\$40.00) shall be paid to any director for meetings held in any one calendar month. Each director may receive not exceeding twenty dollars (\$20.00) per day devoted to the business of the Authority and shall be entitled to reimbursement for actual expenses incurred in attending to Authority business provided that such service and expense are expressly approved by the Board.

"(c) A director shall be entitled to vote only if, at the time of voting, (1) the city which appointed him to the board has a contract with the Authority for any water supply; or (2) a water district has a contract

with the Authority for any water supply; and distributes water obtained under the contract in the city. A majority of the voting members shall constitute a quorum.

"(d) A director who is not entitled to vote, by virtue of Subsection (c) of this section above, shall receive no fee, compensation, or reimbursement from the Authority."

Sec. 4. Section 8 of the Act is hereby amended so that said Section shall be as follows:

"Section 8. In addition to those herein otherwise mentioned, the Authority shall be and is hereby authorized to exercise the following powers, rights, privileges, and functions:

"(a) To store, control, conserve, protect, distribute and utilize storm and flood waters and to prevent the escape of any such waters without first obtaining therefrom a maximum of public benefit by the construction of a dam or dams, or otherwise by complying with Chapter 1, Title 128, Revised Civil Statutes of Texas, as amended. The Authority is also empowered to provide by purchase, contract, lease, gift, or in any other lawful manner, and to develop all facilities deemed necessary or useful for the purpose of storing, controlling, conserving, protecting, distributing, processing and utilizing surface and limited amounts of underground water as set forth under subsection (b) of this Section and the transportation and sale thereof to the cities and other water users within and without the Authority for municipal, domestic, industrial and other useful purposes permitted by law.

"(b) To acquire and develop any other available surface water and to construct, acquire, and develop all facilities deemed necessary with respect thereto. The Authority is authorized to acquire, develop, use and maintain the underground water facilities and underground water rights presently owned by any cities located in Donley, Hall, Childress, Hardeman and Foard Counties, to the extent of the present yield which is 3,500 acre feet per annum. The Authority is authorized to acquire, develop, enlarge, use and maintain the underground water facilities presently owned by the cities for emergency use and peaking, as determined by the Board of Directors of the Authority, to the extent of an additional 1,500 acre feet of underground water per annum until December 31, 1971, at which

time the maximum allowable withdrawal shall revert to each respective city's present yield. The Authority is authorized to purchase water from any city within or without the Authority, any other water authority or district, or any governmental agency.

"(c) To acquire by purchase, construction, lease, gift, or in any other lawful manner, and to maintain, use and operate any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the Authority, necessary to the exercise of the powers, rights, privileges, and functions possessed by the Authority under this Act.

"(d) To sell or otherwise dispose of any surplus property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the operation of the Authority.

"(e) To require the relocation of roads and highways in the manner and to the extent permitted to Districts organized under Section 59 of Article XVI of the Texas Constitution; the cost of relocation of any roads, highways or railroads or telephone or telegraph properties or facilities made necessary by this Act and any reasonable actual damage incurred in changing and adjusting the lines and grades of railroads or such highways or roads or telephone or telegraph properties or facilities shall be paid by the Authority.

"(f) To make contracts and to execute all instruments necessary or convenient to the exercise of the powers, rights, privileges and functions of the Authority.

"(g) To make or cause to be made surveys and engineering investigations for the information of the Authority, to facilitate the accomplishment of the purposes for which it is created.

"(h) To make such contracts in the issuance of bonds as may be considered necessary to insure the marketability thereof.

"(i) To sue or be sued in its corporate name.

"(j) To adopt, use and alter a corporate seal.

"(k) To make by laws for the management and regulation of its affairs.

(l) To fix and collect charges and rates for water services furnished by it and to impose penalties for fail-

ure to pay such charges and rates when due.

"(m) To operate and maintain with the consent of the governing body of any city or town located within the Authority, any works, plants or facilities of any such city deemed necessary or convenient to the accomplishment of the purposes for which the Authority is created.

"(n) To do any and all acts and things necessary to the exercise of the powers, rights, privileges, or functions conferred upon or permitted the Authority by any other law, except that the Authority shall not have the right of eminent domain outside of the counties in which the Authority is located and the Authority shall not condemn or have condemned for its benefit any property outside of the counties in which the Authority is located."

Sec. 5. Section 15 of the Act is hereby amended so that said Section shall be as follows:

"Section 15. The Authority is authorized to enter into contracts with cities, corporation, districts, public agencies and others for supplying water to them. The Authority is also authorized to contract with any city, corporation or public agency for the rental, leasing or purchase of, or for the operation of the water production, water supply, water filtration or purification, water supply and distribution facilities of such city, corporation or public agency upon such consideration as the Authority and such entity may agree. Any such contract may be upon such terms and for such time as the parties may agree, and it may provide that it shall continue in effect until bonds specified therein and refunding bonds issued in lieu of such bonds are paid. If the Authority makes or has made a contract with Texas Water Development Board under which said Board or the state will acquire water storage facilities (as provided in Chapter 49, Acts of the 58th Legislature) in a reservoir to be constructed by the Authority, it shall be the duty of the Authority to make provision for the accumulation of a fund for purchase by the Authority of such storage space by fixing and maintaining adequate rates and charges which shall be paid by cities heretofore and hereafter contracting to buy water from the Authority."

Sec. 6. Section 17 of the Act is

hereby amended so that said Section shall be as follows:

"Section 17. The Authority is authorized to acquire water appropriation permits directly from the Texas Water Commission of the State of Texas, or from owners of permits."

Sec. 7. Section 23 of the Act is hereby repealed.

Sec. 8. The fact that this legislation is immediately and urgently needed by said Authority in order to make water available to all users in the vicinity of the Authority creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days be suspended, and such Rule is hereby suspended; and that this Act take effect from and after its passage, and it is so enacted.

Amendment to Committee Amendment No. 1

Amend Committee Amendment No. 1 to Senate Bill No. 538 by adding the following subsection (e) to Section 3:

"(e) No city shall be liable financially for any action taken by the Board of Directors at a time when the city's directors were not entitled to vote, as provided in subsection c above."

Committee Amendment No. 2

Amend Senate Bill No. 538 by striking all above the enacting clause and substituting the following:

"A BILL TO BE ENTITLED

AN ACT amending Chapter 35, Acts of the First Called Session of the 53rd Legislature, being the Act creating Green Belt Municipal and Industrial Water Authority, by changing the name of the Authority; eliminating certain territory from the Authority; authorizing the Authority to acquire and develop underground water and water rights; authorizing the Authority to transport and sell water within and without the Authority; making certain changes with reference to the Directors of the Authority; making provisions with reference to contracting with the Texas Water Development Board concerning acquisition by said board or the state of water storage facilities as provided in Chapter 49, Acts of the 58th Legislature, and

the purchase thereof by the Authority; repealing Section 23, of said Chapter 35, enacting other provisions relating to the subject; and declaring an emergency."

The House amendments were read.

Senator Rogers moved that the Senate concur in the House amendments.

The motion prevailed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1178, A bill to be entitled "An Act amending Acts 1961, 57th Legislature of the State of Texas, Chapter 405 (Vernon's Article 8280-257) which created Upper Leon River Municipal Water District, providing that directors appointed by potential cities shall not have voting rights or be considered for quorum purposes until the cities appointing such directors shall become constituent cities; establishing an additional procedure for detaching the territory of a potential city; providing a severability clause; and declaring an emergency."

H. B. No. 1100, A bill to be entitled "An Act relating to the annexation of territory by junior college districts in certain counties; amending Chapter 290, Acts of the 41st Legislature, Regular Session, 1929, as amended; and declaring an emergency."

H. B. No. 1163, A bill to be entitled "An Act relating to the election of the supervisors of the Cameron County Fresh Water Supply District No. 1 of Port Isabel, Texas; and declaring an emergency."

The House refused to concur in Senate amendments to House Joint Resolution No. 48 and has requested the appointment of a Conference Committee to consider the differences between the two Houses: Miller of Newton, Klager, Duggan, Wilson, Haines.

The House has concurred in Senate amendments to House Bill No. 179 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1069 by vote of 123 ayes, 8 noes.

The House has concurred in Senate amendments to House Bill No. 450 by non-record vote.

The House refused to concur in Senate amendments to House Bill No. 595 and has requested the appointment of a Conference Committee to consider the differences between the two Houses: Garrison, Floyd, Blankenship, Stroud, Bass of Houston

The House has concurred in Senate amendments to House Bill No. 940 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 194 by non-record vote.

The House refused to concur in Senate amendments to House Bill No. 332 and has requested the appointment of a Conference Committee to consider the differences between the two Houses: Green, Finney, Richardson, Sherman, Shannon of Tarrant.

The House has concurred in Senate amendments to House Bill No. 80 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1096 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 143 by non-record vote.

The House refused to concur in Senate amendments to House Bill No. 1103 and has requested the appointment of a Conference Committee to consider the differences between the two Houses: McDonald of Hidalgo, Guffey, Haring, Roberts, Cherry.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk House of Representatives

**Conference Committee on House
Joint Resolution 48**

Senator Dies called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. J. R. No. 48 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. J. R. No. 48: Senators Dies, Harrington, Kazen, Hall and Word.

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 147, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill 1152 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 1152 was ordered not printed.

**House Concurrent Resolution 103
on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 103, Suspending Joint Rules so that either House may take up and consider H. B. No. 1058 at any time.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**House Concurrent Resolution 104 on
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 104, Suspending Joint Rules so that either House may take up and consider H. B. No. 1038 at any time.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Reports of Standing Committee

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1136, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1137, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill 1136 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 1136 was ordered not printed.

House Bill 1137 Ordered Not Printed

On motion of Senator Watson and by unanimous consent H. B. No. 1137 was ordered not printed.

**Conference Committee on
House Bill 595**

Senator Parkhouse called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 595 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 595: Senators Parkhouse, Cole, Bates, Hardeman and Crump.

**House Concurrent Resolution 97
on Second Reading**

The President laid before the Senate on its second reading:

H. C. R. No. 97, Directing Board of Control to provide certain parking spaces for tourists and relocate certain sidewalks and curbs, etc.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

House Bill 607 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 607 was ordered not printed.

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1104, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.

House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 1143, To Committee on Counties, Cities and Towns.

H. B. No. 1132, To Committee on Counties, Cities and Towns.

H. B. No. 1177, To Committee on Counties, Cities and Towns.

H. B. No. 1140, To Committee on Counties, Cities and Towns.

H. B. No. 1139, To Committee on Counties, Cities and Towns.

H. B. No. 1138, To Committee on Counties, Cities and Towns.

H. B. No. 1126, To Committee on Counties, Cities and Towns.

H. B. No. 1084, To Committee on Counties, Cities and Towns.

H. B. No. 1066, To Committee on Counties, Cities and Towns.

Senate Bill 365 with House Amendments

Senator Herring called S. B. No. 365 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend S. B. 365 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article 4605, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 20, Acts of the 56th Legislature, 2nd Called Session, 1959, is amended to read as follows:

"Article 4605. Consent of parent or guardian and issuance of license.

"(a) Any unmarried male of the age of 21 years or upwards, or any unmarried female of the age of 18 years or upwards and not otherwise disqualified, is capable of contracting and consenting to marriage. No female under the age of 18 and no male under the age of 21 years shall enter into the marriage relation, nor shall any license issue therefor, except under the consent and authority expressly given in writing under oath, after being identified in the manner prescribed for identification of applicants in paragraph (b) of this Article, by either parent, or by the guardian, of such underage applicant in the presence of the authority issuing the license, or in the presence of the county clerk, recorder, or other authority who issues marriage licenses, in and for any other county in the United States of America, on forms supplied by the County Clerk of the county of issuance of the marriage license. If the certificate of a duly licensed medical doctor or osteopath, acknowledged before an officer authorized by law to take acknowledgments and stating that the parent or guardian is unable by reason of health or incapacity to be present in person, is presented to such licensing authority, the license may issue on the written consent of such parent or guardian, acknowledged in the same manner as the accompanying medical certificate. Any such certificate and written permission shall be retained

by the official issuing the marriage license, together with the returned license. Nothing herein shall be construed to effect the issuance of a marriage license in a seduction prosecution. If a minor has neither parent or guardian, then the clerk shall not issue a license without the consent of the county judge of the county of the residence of the minor, such consent to be in writing and signed and acknowledged by the county judge.

"(b) Both parties desiring to be married shall appear in person before the county clerk and make written application, setting forth for each the male and female:

- (1) the full name;
- (2) address of usual residence, including street name and number, city and state;
- (3) date of birth;
- (4) place of birth, including city, county, and state;
- (5) color or race;
- (6) for the female, if previously married, her maiden surname; and
- (7) a description of each document accepted as proof of identity and of birth date.

The application shall also include an oath as follows: 'Each party hereto, for himself, or herself, individually and together, solemnly swears that the information set forth hereinabove in this application is true and correct; that neither party is disqualified or incapable of entering into the marriage relation; that the parties are not of the relationship prohibited by law; and that there are no legal impediments to such marriage.' The application shall be signed and sworn to by both parties before the county clerk, who having checked the full name and the date of birth of each party hereto as the same appear upon a certified copy of birth certificate, or upon a current motor vehicle operator's, or commercial license, or upon a current voter's registration certificate which was issued at least six months prior to the date of the application for marriage license, provided the date of birth is shown thereon, or upon a current passport or visa or upon any other certificate, license or document issued by or existing pursuant to the laws of any nation or of any state or other governmental subdivision thereof, and who being satisfied of the truth and sufficiency of the applica-

tion; and after application for marriage license has issued, shall issue the license authorizing the marriage.

"(c) The county judge in his discretion may waive the requirements listed in paragraphs (a) and (b) of this Article.

"(d) The application specified in paragraph (b) of this Article shall be labeled 'Application for Marriage License, _____ County, Texas'; shall have Items (1) through (7) inclusive for each the male and female listed in a chart eight inches wide and two and three-quarters inches long, divided into two groups of four horizontal spaces each with the first group of four spaces to be used for information relating to the male and the second group of four spaces to be used for information relating to the female; shall have printed immediately below the chart the oath as specified in paragraph (b) hereinabove, followed by lines for the signatures of the parties and the jurat to be executed by the county clerk; and shall have at the bottom of the form a space for the county clerk to enter the date of the marriage and the county in which the marriage was performed."

Sec. 2. Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rules 34 through 57, Article 4477, Vernon's Civil Statutes), is amended by adding a new Section 17A, to read as follows:

"Sec. 17A. (a) After January 1, 1966, the county clerk in each county in this State shall file without fee a copy of each completed application for marriage license with the Bureau of Vital Statistics of the State Department of Health within 90 days after the date of the application.

"(b) The Bureau of Vital Statistics shall establish and maintain a consolidated statewide alphabetical index of all applications for a marriage license based upon the names of both parties. The statewide index does not take the place of the indexes required in each county.

"(c) The Bureau of Vital Statistics shall upon request furnish any information it has on record pertaining to the marriage of any person, but the Bureau shall not issue any certificate or certified copies of the information. The Bureau may charge a fee of one dollar for the information it gives relating to any person under this Section. All fees collected under this Section shall be deposited in the State

Treasury to the credit of the Vital Statistics Fund."

Sec. 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed, including but not limited to Article 405, Penal Code of Texas.

Sec. 4. If any provision or provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2

Amend S. B. No. 365 by striking all above the enacting clause and substituting in lieu thereof the following:

"A BILL

To Be Entitled

An Act to amend Article 4605, Revised Civil Statutes of Texas, 1925, relating to the issuance of marriage licenses; providing for consent of either parent for the marriage of a minor to be given by said parent appearing before the County Clerk of any county in the United States of America and giving consent under oath; eliminating the requirement that application must be on file at least three days in the County Clerk's Office before issuing a marriage license to a minor; providing for a standard form of application for marriage licenses; providing for a consolidated statewide index of all marriage licenses; amending Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, by adding a new section; providing an effective date; containing a repealing clause; containing a saving clause; and declaring an emergency."

The House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

**Conference Committee on
House Bill 1103**

Senator Krueger called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1103 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 1103: Senators Krueger, Herring, Reagan, Richter and Creighton.

Recess

On motion of Senator Aikin the Senate at 12:05 o'clock p.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 944, A bill to be entitled "An Act relating to the acquisition, operation, maintenance, and use of state-owned aircraft and placing all aircraft owned by the state and now under proprietary control of state departments, agencies, and institutions under the control of the Governor; and declaring an emergency."

The House has adopted the Conference Committee Report on House Bill No. 595 by a vote of 101 ayes, 8 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Conference Committee Report on
House Bill 595**

Senator Parkhouse submitted the following Conference Committee Report on H. B. No. 595:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 595, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**PARKHOUSE
BATES
HARDEMAN
CRUMP**

On the part of the Senate,

**BLANKENSHIP
GARRISON
FLOYD
STROUD
BASS**

On the part of the House.

H. B. No. 595,

**A BILL
To Be Entitled**

An Act providing minimum and maximum salaries of certain public officials in counties having a population of 900,000 or more inhabitants; amending Section 8, Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as amended; providing automobile allowance for county and district clerks in counties of not less than 900,000 nor more than 1,200,000 population; repealing certain laws in conflict; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 8, Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as last amended by Section 1, Chapter 154, Acts of the 57th Legislature, Regular Session, 1961 (being Section 8, Article 38831, Vernon's Civil Statutes) is hereby amended to read as follows:

(a) In all counties of this State having a population of not less than

nine hundred thousand (900,000) inhabitants and not more than one million two hundred thousand (1,200,000) inhabitants according to the last preceding Federal Census, the Commissioners Court shall fix the salaries of county officials as follows:

The salary of the county judge shall be Eighteen Thousand Dollars (\$18,000) per annum; the county commissioners, Fourteen Thousand Six Hundred Dollars (\$14,600); criminal district attorney and district attorney, not less than Sixteen Thousand Dollars (\$16,000) nor more than Nineteen Thousand Nine Hundred Dollars (\$19,900); probate judge, not less than Fourteen Thousand Dollars (\$14,000) nor more than Eighteen Thousand Dollars (\$18,000); sheriff, not less than Fourteen Thousand Six Hundred Dollars (\$14,600) nor more than Eighteen Thousand Two Hundred Dollars (\$18,200); tax assessor and collector, not less than Fourteen Thousand Six Hundred Dollars (\$14,600), nor more than Sixteen Thousand Two Hundred Dollars (\$16,200); judges of the county courts at law and county criminal courts, not less than Fourteen Thousand Four Hundred Dollars (\$14,400) nor more than Seventeen Thousand Five Hundred Dollars (\$17,500); county clerk and district clerk, not less than Fourteen Thousand Four Hundred Dollars (\$14,400) nor more than Fifteen Thousand Four Hundred Dollars (\$15,400); county treasurer, not less than Thirteen Thousand Two Hundred Dollars (\$13,200). Salaries fixed by this section shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed nineteen Thousand Five Hundred Dollars (\$19,500) per annum in the aggregate; justices of the peace and the constables shall receive not to exceed Twelve Thousand Dollars (\$12,000) per annum to be paid in equal monthly installments; provided that the justices of the peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not less than Ten Thousand Dollars (\$10,000) per annum. The Commissioners Court of every county, having a population of not less than nine hundred thousand (900,000) nor

more than one million two hundred thousand (1,200,000), according to the last preceding Federal Census, shall pay the district clerk and the county clerk the same amount for automobile allowance as it pays to the other officers receiving the allowance. The county judge in such counties, shall be allowed, in addition to all other compensation fixed herein, the sum of Three Thousand Dollars (\$3,000) per annum for serving as a member of the County Juvenile Board which shall be paid in twelve (12) equal monthly installments out of the general fund of such county and which additional compensation shall be in addition to all other salary or other compensation now paid to such county judge.

(b) In all counties of this State having a population of one million (1,000,000) or more inhabitants according to the last preceding Federal Census, the Commissioners Court of such counties shall fix the salaries of county officials in the following manner:

The salary of the county judge shall be Eighteen Thousand Dollars (\$18,000) per annum, provided, the county judge in such counties, shall be allowed, in addition to all other compensation fixed herein, the sum of Three Thousand (\$3,000) Dollars per annum for serving as a member of County Juvenile Board, which shall be paid in twelve (12) equal monthly installments out of the general fund of such county and which addition compensation shall be in addition to all other salary or other compensation now paid to such county judge. The salary of the county commissioners shall be Fourteen Thousand Six Hundred Dollars (\$14,600); criminal district attorney and district attorney, not less than Sixteen Thousand Dollars (\$16,000) nor more than Nineteen Thousand Nine Hundred Dollars (\$19,900); probate judge, Nineteen Thousand Dollars (\$19,000); county attorney, not less than Fourteen Thousand Six Hundred Dollars (\$14,600) nor more than Nineteen Thousand Dollars (\$19,000), sheriff, not less than Fourteen Thousand Six Hundred Dollars (\$14,600) nor more than Eighteen Thousand Two Hundred Dollars (\$18,200); judges of the county courts at law and county criminal courts, Seventeen Thousand Five Hundred Dollars (\$17,500); county clerk and district clerk, Fifteen Thousand Four Hundred Dol-

lars (\$15,400); county treasurer, not less than Twelve Thousand Dollars (\$12,000) nor more than Thirteen Thousand Eight Hundred Dollars (\$13,800); tax assessor and collector, Twenty Thousand Dollars (\$20,000); each of such salaries shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Twenty Thousand Dollars (\$20,000) per annum in the aggregate; justices of the peace and the constables at not to exceed Twelve Thousand Dollars (\$12,000) per annum, to be paid in equal monthly installments; provided, however, that the justices of peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not less than Ten Thousand Dollars (\$10,000) per annum."

Section 2. All other salary and compensation laws applicable to the officials named in this act are hereby repealed to the extent that they are in conflict with this act.

Section 3. The importance of this legislation and the crowded condition in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Senate Bill 567 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 567, A bill to be entitled "An Act amending Section 2 of Chapter 82, Acts of the 50th Legislature, Regular Session, 1947, as amended by Section 1 of Chapter 174, Acts of the 58th Legislature, Regular Session, 1963 (codified as Article 5344c of Vernon's Texas Civil Statutes), so as to provide for amendment to extend the term of existing oil, gas, and mineral leases covering certain State lands; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 567 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 567 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Colson
Bates	Creighton
Blanchard	Crump
Calhoun	Dies
Cole	Hall

Hardeman	Ratliff
Harrington	Reagan
Hazlewood	Richter
Herring	Rogers
Hightower	Schwartz
Kazen	Snelson
Kennard	Spears
Krueger	Strong
Moore	Watson
Parkhouse	Word
Patman	

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 199, A bill to be entitled "An Act to increase per diem paid members attending regular and called meetings of the Veterans Affairs Commission; amending Subsection (b), Section 3, Article 5787, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 472, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 81st Judicial District of Texas; and declaring an emergency."

S. B. No. 479, A bill to be entitled "An Act relating to the punishment for the offense of swindling; amending Article 1550; Penal Code of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 492, A bill to be entitled "An Act relating to issuance of duplicates for lost, stolen, destroyed, or mutilated school district bonds; and declaring an emergency."

S. B. No. 428, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise any and all interests in and to certain properties in Travis County, Texas, described in the deed from George W. Brackenridge to The University of Texas, dated June 17, 1910; vesting title; conferring the power of eminent domain and exempting the Board of Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency."

S. B. No. 152, A bill to be entitled "An Act authorizing the Commissioners Court of any county bordering on

the Gulf of Mexico or the tidewater limits thereof to regulate the speed of motor vehicles on beaches which are open and accessible to the public, and also to prohibit the littering of such beaches, etc., and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 45, To the Committee on Counties, Cities and Towns.

H. B. No. 1163, To Committee on Water and Conservation.

H. B. No. 1178, To Committee on Counties, Cities and Towns.

H. B. No. 944, To Committee on Finance.

H. B. No. 991, To Committee on Education.

H. B. No. 1026, To Committee on Counties, Cities and Towns.

H. B. No. 729, To Committee on Jurisprudence.

H. B. No. 1042, To Committee on Counties, Cities and Towns.

H. B. No. 1059, To Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1126, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1084, have had the same under consideration, and I am

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1066, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1138, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed as amended.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1139, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1140, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was

referred H. B. No. 1177, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1143, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1132, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

RATLIFF, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 671, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Rules, to which was referred S. R. No. 217, have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1026, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senate Resolution 746

Senator Kazen offered the following resolution:

Whereas, The name of Texan John Moore, a fashion designer now living and working in New York, came into national and world-wide prominence earlier this year when Mrs. Lyndon B. Johnson wore a gown he had designed and created to the Inaugural Ball; and

Whereas, The costume has since been acclaimed as the most beautiful such creation ever worn by a first lady; and

Whereas, It was fitting and appropriate that the designer of this gown for the wife of the first president ever elected from Texas should also be a Texan; and

Whereas, The Smithsonian Institution, which has a collection of inaugural gowns worn by all the first ladies of the United States, will receive the original of this creation, but Mr. Moore has generously created and donated to the State of Texas an exact miniature replica of it to be placed in the Presidential Room Museum in Odessa; and

Whereas, The Odessa museum is the only such institution in the state planned and established specifically to heighten appreciation of the presidency and each occupant of the White House; and

Whereas, This gift, which will be placed there for the enjoyment of many generations of Texans, will be added to a collection of materials which includes original portraits of every president, every wife of a presi-

dent, and every vice president in addition to personal effects and letters of occupants of the White House through history; and

Whereas, Born in Oklahoma, Mr. Moore moved to Alice with his parents in 1940 and was graduated from Texas Military Institute in San Antonio; and

Whereas, His college education was obtained at The University of Texas; Northwestern University, Evanston, Illinois; and Parsons School of Design, New York City; and

Whereas, He designed for the Elizabeth Arden custom collection, Jane Derby, Inc., and Talmack, Inc. before opening his own firm in 1963 and won the coveted Coty Fashion Critics Award at the age of 25—the youngest designer ever to receive this recognition; now therefore be it

Resolved, That the Senate of the State of Texas by this resolution pays tribute to the accomplishments of this outstanding Texan and, on behalf of all Texas citizens, expresses appreciation for the gift of the miniature replica of Mrs. Johnson's inaugural gown to the Presidential Room Museum in Odessa; and be it further

Resolved, That as tokens of our high regard and gratitude, copies of this resolution be prepared for Mr. Moore and his parents, Mr. and Mrs. John E. Moore of Alice.

KAZEN
SNELSON

The resolution was read and was adopted.

Senate Resolution 747

Senator Hightower offered the following resolution:

Whereas, The American Cancer Society was chartered for the purpose of promoting medical research, education and rehabilitation; and

Whereas, Significant advances toward the prevention and cure of cancer, which is now the second most dreaded disease in the nation, have been made through the dedicated services of the thousands of volunteers who work through and under the leadership of the American Cancer Society; and

Whereas, Mr. L. E. (Lefty) Ross of Quanah, Texas was a victim of cancer and suffered the loss of speech in 1960. This disability became a

challenge and he soon learned to speak by the esophageal speech method, and, having acquired this unusual skill, has, through a program of constant practice developed the ability to an outstanding degree; and

Whereas, Mr. Ross now spends a major portion of his time as a volunteer worker, traveling thousands of miles to encourage prompt and proper diagnosis and treatment of cancer, and to inspire and instruct other cancer victims who have lost the ability to speak, and this dedicated service has resulted in the rehabilitation of many victims who would otherwise have spent the remainder of their days in silence; and

Whereas, The testimony of the life of service of this dedicated man is worthy of recognition by the Senate of this State and is a matter of pride for all citizens and the American Cancer Society; and

Whereas, The Senate of the State of Texas desiring to honor the American Cancer Society and its thousands of dedicated volunteers, does hereby extend its congratulations to Mr. L. E. (Lefty) Ross and through him to those people in all walks of life who unselfishly devote their time and service to those causes which offer hope for the eventual conquest of this disease that has been the dread of mankind through the ages; now, therefore, be it

Resolved, That the Senate of the State of Texas extend its congratulations and best wishes to Mr. L. E. (Lefty) Ross, and to Dr. B. L. Aronoff, president of the Texas Division of the American Cancer Society, and through them to their thousands of volunteers workers; and, be it further

Resolved, That copies of this Resolution be forwarded to Mr. L. E. (Lefty) Ross of Quanah, and to Dr. B. L. Aronoff as a token of the esteem and the respect of the Senate of Texas.

The resolution was read and was adopted.

House Bill 1143 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 1143 was ordered not printed.

House Bill 1132 Ordered Not Printed

On motion of Senator Colson and by

unanimous consent H. B. No. 1132 was ordered not printed.

House Bill 1026 Ordered Not Printed

On motion of Senator Watson and by unanimous consent H. B. No. 1026 was ordered not printed.

Reports of Standing Committee

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 1042, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 1059, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 1178, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

House Bill 1042 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1042 was ordered not printed.

House Bill 1059 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1059 was ordered not printed.

House Bill 1178 Ordered Not Printed

On motion of Senator Word and by unanimous consent H. B. No. 1178 was ordered not printed.

Senate Bill 127 With House Amendments

Senator Blanchard called S. B. No. 127 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Senate Bill No. 127 on page 4, lines 31 through 33 of the printed bill, by deleting the sentence which begins with the words "The judge appointed . . ." and substitute in lieu thereof the following:

"A sum of \$16,000 for the fiscal year ending August 31, 1966, and a sum of \$16,000 for the fiscal year ending August 31, 1967, is hereby appropriated from the General Revenue Fund for the salary of the Judge of the District Court of the 171st Judicial District. The salary shall be paid as provided by law."

Amendment No. 2

Amend Senate Bill No. 127 on page 4, lines 14 through 16 of the printed bill by deleting the sentence which begins "The judge of said court . . ." and substitute in lieu thereof the following:

"A sum of \$16,000 for the fiscal year ending August 31, 1966, and a sum of \$16,000 for the fiscal year ending August 31, 1967 is hereby appropriated from the General Revenue Fund for the salary of the Judge of the Criminal Court No. 5 of Dallas County. The salary shall be paid as provided by law."

Amendment No. 3

Amend Senate Bill No. 127 by inserting a new Section 10c to read as follows:

Sec. 10c. Harris County.

A. There is hereby created and established at the City of Houston, a new Criminal District Court to be known as the "Criminal District Court

No. 6 of Harris County," which Court shall have and exercise concurrent jurisdiction with the Criminal District Court of Harris County, the Criminal District Court No. 2 of Harris County, the Criminal District Court No. 3 of Harris County, the Criminal District Court No. 4 of Harris County, and the Criminal District Court No. 5 of Harris County, under the Constitution and the laws of the State of Texas.

B. From and after the time this law shall take effect, the Criminal District Court of Harris County, the Criminal District Court No. 2 of Harris County, the Criminal District Court No. 3 of Harris County, the Criminal District Court No. 4 of Harris County, the Criminal District Court No. 5 of Harris County, and the Criminal District Court No. 6 of Harris County, shall have and exercise concurrent jurisdiction with each other in all felony causes, and in all matters and proceedings of which the said Criminal District Court of Harris County, the Criminal District Court No. 2 of Harris County, the Criminal District Court No. 3 of Harris County, the Criminal District Court No. 4 of Harris County, and the Criminal District Court No. 5 of Harris County now have jurisdiction; and the Judge of any one of said Criminal District Courts may in his discretion transfer any cause or causes that may at any time be pending in his Court to one of the other Criminal District Courts by an order or orders entered upon the minutes of his Court; and where such transfer or transfers are made the Clerk of such Criminal District Court shall enter such cause or causes upon the docket to which such transfer or transfers are made, and, when so entered upon the docket, the Judge of that Court shall try and dispose of said causes in the same manner as if such causes were originally instituted in said Court, provided no case shall be transferred without the consent of the Judge of the Court to which transferred. When this Act becomes effective, all felony cases having numbers ending with 1 or 6 pending on the dockets of the other Criminal District Courts of Harris County shall be at once transferred to and docketed in the Criminal District Court No. 6 of Harris County, and after the effective date of this Act, the Clerk of the

Criminal District Courts shall file and docket felony cases in the Criminal District Court of Harris County, the Criminal District Court No. 2 of Harris County, the Criminal District Court No. 3 of Harris County, the Criminal District Court No. 4 of Harris County, the Criminal District Court No. 5 of Harris County, and the Criminal District Court No. 6 of Harris County in rotation in the order filed so that the first case or proceeding filed after the effective date of this Act and every sixth case or proceeding thereafter filed shall be docketed in the Criminal District Court of Harris County, and the second case or proceeding filed and every sixth case or proceeding thereafter filed shall be docketed in the Criminal District Court No. 2 of Harris County, and the third case or proceeding filed and every sixth case of proceeding thereafter filed shall be docketed in the Criminal District Court No. 3 of Harris County, and the fourth case or proceeding filed and every sixth case or proceeding thereafter filed shall be docketed in the Criminal District Court No. 4 of Harris County, Texas, and the fifth case or proceeding filed and every sixth case or proceeding thereafter filed shall be docketed in the Criminal District Court No. 5 of Harris County, Texas, and the sixth case or proceeding filed and every sixth case or proceeding thereafter filed shall be docketed in the Criminal District Court No. 6 of Harris County, Texas, and so on in rotation.

C. The Judges of said Criminal District Court No. 6 of Harris County, shall be elected by the qualified voters of Harris County for a term of four (4) years, and shall hold his office until his successor shall have been elected and qualified. They shall each possess the same qualifications as are required by the Judge of the District Court, and shall receive the same salary and additional compensation as is now or may hereafter be paid to the District Judges, to be paid in like manner. They shall each have and exercise all the powers and duties now or hereafter to be vested in and exercised by District Judges of the Criminal District Court of Harris County, the Criminal District Court No. 2 of Harris County, the Criminal District Court No. 3 of Harris County, the Criminal District Court No. 4 of

Harris County, and the Criminal District Court No. 5 of Harris County. The Judge of each of said Courts may exchange with any District Judge, as provided by law in cases of District Judges, and, in case of disqualification or absence of the Judge, a Special Judge may be selected, elected or appointed as provided by law in cases of District Judges; provided that the Governor, under the authority now provided by law, upon this Act becoming effective, shall appoint a Judge of each of said Courts, who shall hold the office until the next general election, after the passage of this Act, and until his successor shall have been elected and qualified, the Judge of any one of said Criminal District Courts may, in his discretion, in the absence of the Judge of one of the other Criminal District Courts from his courtroom or from the County of Harris, Texas, try and dispose of any cause or causes that may be pending in such Criminal District Courts as fully as could such absent Judge were he personally present and presiding. And any one of said Judges may receive in open Court from the foreman of the Grand Jury any bill or bills of indictment in the Court to which such bill or bills of indictment may be returnable, entering the presentment of such bill or bills of indictment in the minutes of the proceedings of such Court, and may hear and receive from any empaneled petit jury any report, information or verdict, and make and cause to be entered any order or orders in reference thereto, or with reference to the continuation of the deliberation of such petit jury or their final discharge, as fully and completely as such absent District Judge could do if personally present and presiding over such Court; and may make any other order or orders in such Court respecting the causes therein pending or the procedure pertaining thereto as the regular Judge of said Criminal Court could make if personally present and presiding.

D. Appropriation. A sum of \$16,000.00 for the fiscal year ending August 31, 1966, and a sum of \$16,000.00 for fiscal year ending August 31, 1967, is hereby appropriated from the General Revenue Fund for the salary of the Judge of the Criminal District Court No. 6 of Harris County. The salary shall be paid as provided by law.

E. Said Court shall have a seal of like design as the seal now provided by law for District Courts, except that the words "Criminal District Court No. 6 of Harris County" shall be engraved around the margin which seal shall be used for all the purposes for which the seals of the District Courts are required to be used; and certified copies of the orders, proceedings, judgments and other official acts of said Court, under the hand of the Clerk and attested by the seal of either said Courts, shall be admissible in evidence in all the Courts of this State in like manner as similar certified copies from Courts of record are now or may hereafter be admissible.

F. The Sheriff, District Attorney and the Clerk of the Criminal District Court of Harris County, as heretofore provided for by law, shall be the Sheriff, District Attorney and Clerk, respectively, of said Criminal District Court No. 6 of Harris County under the same rules and regulations as are now or may hereafter be prescribed by law for the government of Sheriffs, District Attorneys and Clerks of the District Courts of the State; and said Sheriff, District Attorney and Clerk shall respectively receive such fees as are now or may hereafter be prescribed by law for such officers in the District Courts of the State, to be paid in the same manner. The County Commissioners Court shall have authority to pay out of the Officers' Salary Fund or other general funds of the county for the services of such special deputy district Clerks as in their judgment shall be required, such special deputy or deputies to be appointed by the Clerk of the Criminal District Court, and to be removable at the will of the Clerk, and to be paid a salary not to exceed the compensation allowed by law to other deputy district Clerks, said salary shall be payable monthly. The District Attorney may appoint an assistant District Attorney in addition to those now provided by law to attend said Court. Said assistant shall have the authority and shall qualify as provided by law for assistant District Attorneys, and shall be removable at the will of the District Attorney, and shall receive a salary not to exceed the maximum salary allowed assistant District Attorneys; said salary to be payable monthly by said County by

warrant drawn from the Officers' Salary Fund or other general funds thereof. The Judge of the Criminal District Court No. 6 of Harris County shall appoint an official court reporter for said Court as provided by law.

G. Said Court shall hold for four (4) terms each year for the trial of causes and the disposition of business coming before it, one term beginning the first Monday in May, one term beginning on the first Monday of August, one term beginning on the first Monday in November, and one term beginning on the first Monday of February of each year. Each term shall continue until the business is disposed of. The trials and proceedings in said Court shall be conducted according to the law governing the pleadings, practice and proceedings in Criminal cases in District Courts. The District Judges of the Criminal District Courts of Harris County shall successively appoint Grand Jury commissioners and empanel Grand Juries; and they shall meet together and determine approximately the number of petit jurors that are reasonably necessary for jury service in the Criminal District Courts of the County for each week during the said time said courts may hold court during the year, and shall thereupon order the drawing of such number of jurors from the jury wheel of the County for each of said weeks, said jury to be known as the panel of jurors for service in the Criminal District Courts for the respective weeks for which they are designated to serve. The Judges of said Criminal District Courts shall agree upon which one shall be authorized to act in carrying out the provisions of this Act as relating to the calling and qualifying of the jury panel; they may increase or diminish the number of jurors to be selected for any week, and shall order said jurors drawn for as many weeks in advance of service as they deem proper. From time to time they shall designate the Criminal District Judge to whom the panel of jurors shall report for duty, and said Judge for such time as he is chosen to so act, shall organize said juries and have immediate supervision and control of them. The said jurors, after being regularly drawn from the wheel, shall be served by the Sheriff to appear and report for jury service before

said Judge so designated, who shall hear excuses of said jurors and swear them in for service for the week that they are to serve to try all cases that may be submitted to them in any of said Criminal District Courts, and they may be used interchangeably in the Criminal District Courts. In the event of a deficiency of said jurors the Judge having control of said panel of jurors shall order such additional jurors to be drawn from the wheel as may be sufficient to meet such emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no further needed. The provisions of the Statutes commonly known as the "jury wheel law" shall remain in full force and effect, except as modified by this Act.

Amendment No. 4

Amend Senate Bill No. 127 by adding Section 10c to read as follows:

"Section 10c. Criminal District Court No. 3 of Tarrant County.

Sec. A. Creation and Jurisdiction. The Criminal District Court No. 3 of Tarrant County is created. Its jurisdiction is identical with that provided by law for the Criminal District Court of Tarrant County and the Criminal District Court No. 2 of Tarrant County and shall be exercised concurrently.

Sec. B. Terms of Court. The term of the Criminal District Court No. 3 begins on the first Monday in January and the first Monday in July of each year. Each term of each court continues until the next succeeding term convenes.

Sec. C. Judge. As soon as practicable after the effective date of this Act, the Governor shall appoint to the Criminal District Court No. 3 a person qualified to serve as a district judge under the constitution and laws of this State. The judge appointed holds office until the next general election at which his successor is duly elected and until he qualifies; and each elected successor holds office for a term of four years. The judge appointed and his successor is entitled to the same compensation and allowance provided by law for district judges of Tarrant County, Texas.

Sec. D. Appropriation. A sum of

\$16,000.00 for the fiscal year ending August 31, 1966, and a sum of \$16,000.00 for fiscal year ending August 31, 1967, is hereby appropriated from the General Revenue Fund for the salary of the Judge of the Criminal District Court No. 3 of Tarrant County. The salary shall be paid as provided by law.

Sec. E. Court Officials. (a) The Judge of the Criminal District Court No. 3 may appoint an official court reporter, who must meet the qualifications prescribed by law for that office and who is entitled to the same compensation, fees, and allowances provided by law for the official district court reporters of Tarrant County, Texas.

(b) The Sheriff, Criminal District Attorney, and District Clerk of Tarrant County, Texas, shall serve as Sheriff, Criminal District Attorney, and Clerk, respectively, of the Criminal District Court No. 3. The Commissioners Court of Tarrant County, Texas, may employ as many additional deputy sheriffs, assistant criminal district attorneys, and deputy clerks as are necessary to serve the court created by this Act. Those serving shall perform the duties, and are entitled to the same compensation, fees, and allowances, prescribed by law for their respective offices in Tarrant County, Texas.

Sec. E. Practice. (a) The rules of practice and procedure applicable to the district courts of this state govern practice in the Criminal District Court No. 3.

(b) The judges of all three criminal district courts in Tarrant County may freely transfer causes to and from the dockets of their respective courts. The judges may also freely exchange benches and courtrooms with each other so that if a judge is ill, disqualified, or otherwise absent, another judge may hold court for him without the necessity of transferring the cause involved."

The House amendments were read.

Senator Blanchard moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 227 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent H. B. No. 227 was ordered not printed.

House Bill 413 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent H. B. No. 413 was ordered not printed.

**Senate Bill 578 With House
Amendment**

Senator Watson called S. B. No. 578 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend S. B. No. 578 by striking the third and fourth words, "and guardians," on line 11 of page 2 in Section 4 of the bill.

The House amendment was read.

Senator Watson moved that the Senate concur in the House amendment.

The motion prevailed.

House Bill 1138 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1138 was ordered not printed.

House Bill 1139 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1139 was ordered not printed.

House Bill 1140 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1140 was ordered not printed.

House Bill 1051 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 1051 was ordered not printed.

House Bill 1066 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 1066 was ordered not printed.

House Bill 1084 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 1084 was ordered not printed.

House Bill 1126 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 1126 was ordered not printed.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 918, has had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed as amended.

PARKHOUSE, Chairman.

**Senate Bill 258 with House
Amendments**

Senator Reagan called S. B. No. 258 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Senate Bill No. 258 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. It shall be unlawful for any person to place, set, use or drag any net or seine, other than a cast net or minnow seine of not more than twenty (20) feet in length for catching bait, in or on any of the waters of the Gulf of Mexico within one mile of the Horace Caldwell pier located on Mustang Island and the Bob Hall pier located on Padre Island, both in Nueces County, Texas, and within 1,000 feet of the shoreline of Padre Island in Nueces County.

Sec. 2. This Act is to make unlawful the catching of fish and shrimp by the use of certain nets and seines in certain defined waters of the Gulf

of Mexico, and in furtherance of such purpose this Act shall be construed as cumulative to existing law.

Sec. 3. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and in this connection shall be fined in the sum of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00); and on second and more convictions shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00).

Sec. 4. The fact that the use of seines and nets, other than a cast net or minnow seine of not more than twenty (20) feet in length for catching bait, in the waters of the Gulf of Mexico adjacent to the shores of Padre and Mustang Islands is destructive of the fish and shrimp life therein and of the recreational and other benefits to be obtained and enjoyed by the citizens of this State who fish such waters and that there is no effective law to protect the fish and shrimp in such waters from use of such seines and nets, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2

Amend Senate Bill No. 258 by striking all above the enacting clause and substituting in lieu thereof the following:

"A BILL To Be Entitled

An Act making unlawful the use of certain nets and seines for catching fish and shrimp in certain defined waters of the Gulf of Mexico adjacent to Padre and Mustang Islands in Nueces County; providing penalties for violation; providing that the Act shall be cumulative; and declaring an emergency."

The House amendments were read.

Senator Reagan moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 1177 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1177 was ordered not printed.

House Concurrent Resolution 149 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 149, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 821.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

House Resolutions on First Reading

The following resolutions received from the House, were read the first time and referred to the Committees indicated:

H. C. R. No. 108, To the Committee on Jurisprudence.

H. C. R. No. 119, To the Committee on Jurisprudence.

H. C. R. No. 120, To the Committee on Jurisprudence.

H. C. R. No. 121, To the Committee on Jurisprudence.

H. C. R. No. 122, To the Committee on Jurisprudence.

H. C. R. No. 123, To the Committee on Jurisprudence.

H. C. R. No. 124, To the Committee on Jurisprudence.

H. C. R. No. 125, To the Committee on Jurisprudence.

H. C. R. No. 126, To the Committee on Jurisprudence.

H. C. R. No. 127, To the Committee on Jurisprudence.

H. C. R. No. 128, To the Committee on Jurisprudence.

H. C. R. No. 129, To the Committee on Jurisprudence.

H. C. R. No. 133, To the Committee on Jurisprudence.

Report of Standing Committee

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
May 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 108, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

**House Concurrent Resolution 108
Ordered Not Printed**

On motion of Senator Reagan and by unanimous consent H. C. R. No. 108 was ordered not printed.

Report of Standing Committee

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education to which was referred H. B. No. 991, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed, as amended.

MOORE, Chairman.

**House Concurrent Resolution 69 on
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 69, Providing special Interim Committee to make a study of the feasibility of creating "Pleasure Island State Park."

The resolution was read the second time.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. No. 69 by adding

a provision to the second resolving clause after the semicolon at the end to read as follows:

"Provided that no more than \$600.00 be expended out of public funds for said expenses."

The amendment was read and was adopted.

The resolution as amended was then adopted.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 244, A bill to be entitled "An Act relating to the duty of the State Auditor to report certain information concerning the compliance of state agencies with records management procedures; amending Article 5441a, Revised Civil Statutes of Texas, 1925, as amended by adding Section 6a; and declaring an emergency."

S. B. No. 515, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in Karnes County by authorizing the County to issue certificates of indebtedness for certain stated purposes; etc.; and declaring an emergency."

S. B. No. 313, A bill to be entitled "An Act relating to the qualifications of State Highway Engineer; amending Article 6669, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 503, A bill to be entitled "An Act relating to the authority of a guardian to purchase or to continue in effect life, term, or endowment insurance and annuity policies administered by the Veterans Administration; amending Subsections (b) and (c), Section 390, Texas Probate Code, as amended; and declaring an emergency."

S. B. No. 514, A bill to be entitled "An Act relating to the sale of property on which there is a lien under Articles 5502 and 5503 amending Article 5504, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 549, A bill to be entitled "An Act requiring all taxing authorities using the services of the county tax assessor-collector, either in assessing or collecting taxes for the taxing authority, to furnish the county tax assessor-collector, on or before July 20th of each year, the tax rate adopted by the taxing authority for the succeeding taxable year; providing in the event such tax rate is not furnished to the county tax assessor-collector within the time prescribed, the tax rate shall be that rate adopted for the preceding taxable year; making other provisions relating to the subject; and declaring an emergency."

S. B. No. 448, A bill to be entitled "An Act amending Section 9 of Article 22.15 of Senate Bill 236, known as the Insurance Code, of Texas, Acts 1951, Regular Session, 52nd Legislature, Page 868, Chapter 491; as amended, providing that the premium charged on all policies reinsured shall be at least equal to the renewal net premium calculated in accordance with the reserve standards adopted by the reinsurance agreement, and based upon the insured's age at issue, except that on any family group policy the gross premium may be less than the renewal net premium under certain conditions, and requiring a permissive deficiency premium reserve; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause, and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 1172, to the Committee on Counties, Cities and Towns.

H. B. No. 1161, to the Committee on Water and Conservation.

H. B. No. 1100, to the Committee on Counties, Cities and Towns.

H. B. No. 1174, to the Committee on Water and Conservation.

H. B. No. 1127, to the Committee on Water and Conservation.

H. B. No. 335, to the Committee on Counties, Cities and Towns.

H. B. No. 1038, to the Committee on Water and Conservation.

H. B. No. 1058, to the Committee on Water and Conservation.

H. B. No. 814, to the Committee on Education.

H. B. No. 1113, to the Committee on Counties, Cities and Towns

H. B. No. 1146, to the Committee on Counties, Cities and Towns.

H. B. No. 435, to the Committee on Counties, Cities and Towns.

House Concurrent Resolution 20 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 20, Requesting the Texas Legislative Council to continue its study on mass transportation.

The resolution was read.

On motion of Senator Kennard and by unanimous consent the resolution was considered immediately and was adopted.

Reports of Standing Committees

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Legislative, Congressional, and Judicial Districts, to which was referred H. B. No. 67, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

CRUMP, Chairman.

C. S. H. B. No. 67 was read the first time.

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas
May 24, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1174, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas
May 24, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1161, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1127, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

House Bill 671 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. B. No. 671 was ordered not printed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on Senate Bill No. 529 by a vote of 134 ayes, 6 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Reports of Standing Committees

Senator Herring by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 119, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 120, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 121, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 122, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 123, have had the same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 124, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 125, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 126, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 127, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Juris-

prudence, to which was referred H. C. R. No. 128, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 129, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 133, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Bills Signed

The President signed, in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 245, A bill to be entitled "An Act requiring certain agencies of state government to examine, index and request destruction of records dated prior to 1952; and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act to amend Section 4 of Chapter 1, Title: Attorneys House Bill No. 74, page 64, Acts Regular Session, Forty-sixth Legislature (1939) known as the State Bar Act so as to designate the Board of Directors of the State Bar of Texas as the general executive agency of that organization and to outline the composition of such Board and to authorize such Board to reapportion the State into Bar Districts from time to time for purposes of electing directors or for the fulfillment of any other duties imposed upon the State Bar by the State Bar Act or the State Bar Rules; etc., and declaring an emergency."

Senate Bill 584 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 584, A bill to be entitled "An Act to create Municipal Courts with original and appellate jurisdiction in certain cases in any city having a portion of its population in more than one county, and containing a population of not less than one hundred thousand (100,000) or more than five hundred thousand (500,000) inhabitants, according to the last census; etc., and declaring an emergency."

The bill was read the second time.

Senator Hazlewood offered the following Committee Amendment to the bill:

Amend Section 3 of Senate Bill 584 by striking out all that part of Section 3 beginning on line 27, page 2, with the words "and shall be selected" and ending on line 42, page 3, with the words "while he is so acting," and inserting therein in lieu thereof the following:

"and shall be selected and appointed in the manner now provided for the selection and appointment of judges of the corporation courts by the provisions of the City Charter of the cities to which the provisions of this Act are applicable. And provided further if in the opinion of the governing body of the city the business of the court shall so require, more than one judge may be selected and appointed. Such judge or judges shall hold his or their offices until his or their successors have been duly selected and appointed. And provided further that any judge of a corporation court of the city to which the provisions of this Act are applicable shall be eligible and qualified to sit and preside over the municipal court when requested or required to do so by the governing body of the city."

The Committee Amendment was read and was adopted.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 584 on Third Reading

Senator Hazlewood moved that Senate Rules 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 584 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Concurrent Resolution 119
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 119 was ordered not printed.

**House Concurrent Resolution 120
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 120 was ordered not printed.

**House Concurrent Resolution 121
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 121 was ordered not printed.

**House Concurrent Resolution 122
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 122 was ordered not printed.

**House Concurrent Resolution 123
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 123 was ordered not printed.

**House Concurrent Resolution 124
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 124 was ordered not printed.

**House Concurrent Resolution 125
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 125 was ordered not printed.

**House Concurrent Resolution 126
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 126 was ordered not printed.

**House Concurrent Resolution 127
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 127 was ordered not printed.

**House Concurrent Resolution 128
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 128 was ordered not printed.

**House Concurrent Resolution 129
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 129 was ordered not printed.

**House Concurrent Resolution 133
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 133 was ordered not printed.

Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1172, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1146, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1100, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 335, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred H. B. No. 154, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

(Senator Aikin in the Chair.)

House Bill 1146 Ordered Not Printed

On motion of Senator Blanchard

and by unanimous consent H. B. No. 1146 was ordered not printed.

House Bill 335 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 335 was ordered not printed.

House Bill 1100 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1100 was ordered not printed.

Reports of Standing Committee

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1058, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1038, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

(President in the Chair.)

Committee Substitute Senate Bill 290 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 290, A bill to be entitled "An Act relating to the eligibility requirements for attending Texas A&M University; amending Article 2607, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

(Pending discussion by Senator Moore of S. B. No. 290, Senator Aikin occupied the Chair.)

Question—Shall C. S. S. B. No. 290 be passed to engrossment?

House Bill 1127 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. 1127 was ordered not printed.

House Bill 918 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 918 was ordered not printed.

House Bill 1174 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1174 was ordered not printed.

House Bill 1161 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1161 was ordered not printed.

Motion to Order Committee Substitute House Bill 67 Not Printed

Senator Hall asked unanimous consent that C. S. H. B. No. 67 be ordered not printed.

There was objection.

Motion to Order House Bill 991 Not Printed

Senator Harrington asked unanimous consent that H. B. No. 991 be ordered not printed.

There was objection.

House Bill 1058 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 1058 was ordered not printed.

House Bill 1038 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 1038 was ordered not printed.

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 24, 1965.

Honorable Preston Smith, President
of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to whom was referred H. B. No. 1113, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill 1113 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 1113 was ordered not printed.

Senate Bill 290 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 290 on its second reading.

Question—Shall S. B. No. 290 be passed to engrossment?

(President in the Chair.)

**Motion to Order House Bill 991
Not Printed**

Senator Harrington asked unanimous consent that H. B. No. 991 be ordered not printed.

There was objection.

Memorial Resolutions

S. R. No. 730—By Senator Dies: Memorial resolution for E. A. (Pete) Pietschker.

S. R. No. 739—By Senator Hazlewood: Memorial resolution for Harry L. Kearns.

S. R. No. 743—By Senator Hazlewood: Memorial resolution for Edward William Hardin.

S. R. No. 744—By Senator Watson: Memorial resolutions for Mr. and Mrs. Paul C. Anderson.

**Welcome and Congratulatory
Resolutions**

S. R. No. 731—By Senator Herring: Extending Welcome to students of Saint Mary's School of Taylor.

S. R. No. 732—By Senator Herring: Extending welcome to students and teachers of Porter Junior High School of Austin.

S. R. No. 733—By Senator Herring: Extending welcome to students of Texas School for the Deaf in Austin.

S. R. No. 734—By Senator Herring: Extending welcome to students of Northside Elementary School of Taylor.

S. R. No. 735—By Senator Herring: Extending welcome to students of L. L. Campbell School of Austin.

S. R. No. 736—By Senator Word: Extending welcome to students of Copperas Cove School.

S. R. No. 737—By Senator Word: Extending welcome to Randy Tackett of Dublin.

S. R. No. 740—By Senator Hazlewood: Extending welcome to Caprock High School Chapter of Future Teachers of America of Amarillo.

S. R. No. 741—By Senator Hazlewood: Extending congratulations to Miss Linda Baten of White Deer on winning Merit scholarships.

S. R. No. 742—By Senator Hazlewood: Extending welcome to students of New Mexico school visiting in Capitol.

Recess

Senator Hardeman moved that the Senate take recess until 10:30 o'clock a.m. in the forenoon of the morrow.

Question on the motion to recess, Yeas and Nays were demanded. The motion prevailed by the following vote:

Yeas—16

Aikin	Hightower
Blanchard	Krueger
Calhoun	Moore
Colson	Parkhouse
Crump	Reagan
Dies	Richter
Hardeman	Strong
Herring	Word

Nays—12

Creighton	Patman
Hall	Ratliff
Harrington	Rogers
Hazlewood	Schwartz
Kazen	Snelson
Kennard	Spears

Absent

Bates	Watson
Cole	

Accordingly, the Senate at 4:14 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 397 "An Act amending Paragraph 3 of Section 5, Chapter 3, Page 465, Acts 46th Legislature, 1939 (codified as Section 3 of Article 5421 C-3, Vernon's Texas Civil Statutes) to remove the Governor from the School Land Board and substituting one citizen of the state appointed by the Governor for a term of Two (2) years; to confirm removal of the Attorney General from the School Land Board and substituting one citizen of the state appointed by the Attorney General for a term of two years; repealing Section 5 of Chapter 442, Acts 58th Legislature, 1963; validating composition of the School Land Board and appointments to the Board of a citizen of the state by the Attorney General; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 392 "An Act repealing paragraph (q), Section 19, Chapter 465, Acts of the Second Called Session, 44th Legislature, 1935, as amended by Chapter 205, Acts of the 54th Legislature, 1955, codified as paragraph (q), Section 19, Vernon's Civil Statutes, insofar as said provisions are applicable to counties whose officials are compensated on a salary basis; repealing Article 3897

of the Revised Civil Statutes of Texas, 1925, insofar as said provisions are applicable to counties whose officials are compensated on a salary basis; providing that the provisions of paragraph (q) of Section 19, Chapter 465, Acts of the Second Called Session, 44th Legislature, 1935, as amended, and the provisions of Article 3897, Revised Civil Statutes of Texas, 1925, shall be applicable to counties whose officers are compensated on a fee basis; repealing any statute in conflict herewith; providing for a repealing clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 335 "An Act to increase the punishment for simple assault and assault and battery; amending Article 1145, Penal Code of Texas, 1925; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 479 "An Act relating to the punishment for the offense of swindling; amending Article 1550, Penal Code of Texas, 1925, as amended; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 428 "An Act authorizing the Board of Regents of The Univer-

sity of Texas to acquire by purchase or otherwise any and all interests in and to certain properties in Travis County, Texas, described in the deed from George W. Brackenridge to The University of Texas, dated June 17, 1910; vesting title; conferring the power of eminent domain and exempting the Board of Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency." have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 492 "An Act relating to issuance of duplicates for lost, stolen, destroyed, or mutilated bonds issued by the state or by a political subdivision of the state; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 152 "An Act authorizing Gulf Coast counties to regulate motor vehicle traffic and prohibit littering on certain beaches; amending Section 8, Chapter 19, Acts of the 56th Legislature, Second Called Session, 1959; and declaring an emergency." have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 472 "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 81st Judicial District

of Texas; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 199 "An Act to increase per diem paid members attending regular and called meetings of the Veterans Affairs Commission; amending Subsection (b), Section 3, Article 5787, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 448 "An Act amending Section 9 of Article 22.15 of Senate Bill No. 236, known as the Insurance Code of Texas, Acts 1951, Regular Session 52nd Legislature Page 868, Chapter 491; as amended, providing that the premium charged on all policies reinsured shall be at least equal to the renewal net premium calculated in accordance with the reserve standards adopted by the reinsurance agreement, and based upon the insureds age at issue, except that on any family group policy the gross premium may be less than the renewal net premium under certain conditions, and requiring a permissive deficiency premium reserve; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 549 "An Act requiring all taxing authorities using the services of the country tax assessor-collector, either in assessing or collecting taxes for the taxing authority, to furnish the county tax assessor-collector, on or before July 20th of each year, the tax rate adopted by the taxing authority for the succeeding taxable year; providing in the event such tax rate is not furnished to the county tax assessor-collector within the time prescribed, the tax rate shall be that rate adopted for the preceding taxable year; making other provisions relating to the subject; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 514 "An Act relating to the sale of property on which there is a lien under Article 5502 and 5503; amending Article 5504, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 503 "An Act relating to the authority of a guardian to purchase or to continue in effect life, term, or endowment insurance and annuity policies administered by the Veterans Administration; amending Subsections (b) and (c), Section 390, Texas Probate Code, as amended; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 313 "An Act relating to the qualifications of State Highway Engineer; amending Article 6669, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 515 "An Act constituting a local law for the maintenance of the public roads and highways in Karnes County by authorizing the county to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; enacting other provisions relating to the subject; containing a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 244 "An Act relating to the duty of the State Auditor to report certain information concerning the compliance of state agencies with records management procedures; amending Article 5441a, Revised Civil Statutes of Texas, 1925, as amended, by adding Section 6a; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. 245 "An Act requiring certain agencies of state government to examine, index and request destruction of records dated prior to 1952; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 473 "An Act to amend Section 2 of Chapter 1, Title: Attorneys House Bill No. 74, page 64, Acts Regular Session, 46th Legislature (1939) known as the State Bar Act so as to designate the Board of Directors of the State Bar of Texas as the general executive agency of that organization and to outline the composition of such Board and to authorize such Board to reapportion the state into Bar Districts from time to time for purposes of electing directors or for the fulfillment of any other duties imposed upon the State Bar by the State Bar Act or the State Bar Rules; further providing that this Act shall repeal any existing Act or any existing rule governing the State Bar which is in conflict herewith; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 550 "An Act amending Section 4 of Chapter 7, Acts of the 47th Legislature of Texas, Regular Session, 1941, as amended by Section 2 of Chapter 525, Acts of the 57th Legislature of Texas, Regular Ses-

sion, 1961; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 306 "An Act amending subsection (4)a of Section 1 of Article III, Senate Bill No. 116, Chapter 334, Acts 51st Legislature, Regular Session, 1949, and last amended by House Bill No. 210, Chapter 471, Acts 58th Legislature, Regular Session, 1963, (compiled as Article 2922-13, Section 1, subsection (4)a in Vernon's Texas Civil Statutes) providing for an increase state-wide total of exceptional teacher units for exceptional children defined as emotionally disturbed; amending Section 1 of Article V, Senate Bill No. 116, Chapter 334, 51st Legislature, Regular Session, 1949, as last amended by Senate Bill No. 1, Chapter 1, Acts 57th Legislature, Second Called Session, 1961 (compiled as Article 2922-15, Section 1, in V.T.C.S.) to authorize and provide for allocation of operation funds to school districts operating approved exceptional children classroom teacher units for emotionally disturbed children; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 442 "An Act amending Title 102, Oil and Gas, Revised Civil Statutes of Texas, 1925, by adding thereto a new Article to be known as Article 6036c, relating to penalties for certain false applications, reports, or other documents filed with the Railroad Commission of Texas under Title 102; removing the requirements for oaths, verifications, acknowledgments, or affirmations on applica-

tions, reports, or other documents filed with the Railroad Commission of Texas under Title 102; providing for severability; providing that this Act shall be cumulative but shall control over conflicts with other laws; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 517 "An Act authorizing Hospital Districts located in counties having a population in excess of 900,000 according to the most recent Federal Census to construct, enlarge, furnish, equip and operate a parking station or stations in the vicinity of any hospital within such District; authorizing such Hospital District to lease said parking stations; authorizing the issuance of revenue bonds for such purposes; prescribing the procedure for the issuance of such bonds for such purposes; prescribing the procedure for the issuance of such bonds and the method of paying and securing the payment thereof; authorizing the issuance of refunding bonds; containing a severability clause; enacting other provisions relating to the subject; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 246 "An Act relating to the selection and preservation of essential state records; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent To Governor

May 24, 1965

S. C. R. No. 67

S. C. R. No. 73

S. C. R. No. 106

S. B. No. 335

S. B. No. 392

S. B. No. 397

S. B. No. 199

S. B. No. 472

S. B. No. 152

S. B. No. 492

S. B. No. 428

S. B. No. 479

S. B. No. 244

S. B. No. 515

S. B. No. 313

S. B. No. 503

S. B. No. 514

S. B. No. 549

S. B. No. 448

In Memory of

Senator Thomas Jefferson Holbrook

Senator Herring offered the following resolution:

(Senate Concurrent Resolution 117)

Whereas, On October 21, 1964, one of the past great voices of the Texas Senate was silenced on this earth with the death of former Senator Thomas Jefferson Holbrook in Austin, Texas, at the age of 86; and

Whereas, This dynamic leader was born in Salado, Texas, on July 27, 1878, and attained eminence as one of the great senators of his time; and

Whereas, Senator Holbrook attended public schools at Llano, and taught in that area of the state for three years to save enough for higher education—first at West Texas Normal and Business College at Cherokee, where he learned the shorthand which later became invaluable as he pursued his law studies at The University of Texas, which he entered in 1903; and

Whereas, He earned his expenses by preparing well-organized lecture notes and duplicating them for sale to his classmates, a profitable enterprise at that time as there were no briefs for distribution and law professors were most loquacious; and

Whereas, His ability as a public speaker, a trait which he doubtless inherited from his father, became known campuswide: he was an intercollegiate debater for three years and was elected president of the Rusk Literary Society, a University debating organization of renown which is still active; and

Whereas, Upon his graduation in the spring of 1906 with an LL.B. degree, he began the practice of law in Brownwood, having been admitted to the Bar in 1905 before completing his education; and

Whereas, In June, 1907, he moved to Galveston where he became credit manager of the old Mistrot Bros. & Co. store, a position he retained until the firm closed in 1919, when he moved to Dallas to accept a similar job; he moved back to Galveston in 1922, and was persuaded to run for the Senate when the incumbent, Senator W. L. Hall, died that same year; and

Whereas, Senator Holbrook continued to serve in the Senate until his retirement in 1939, and for many years of his tenure was the dean of the Senate; he was acknowledged by his colleagues as the best orator in the Senate, and when the houses held joint sessions for special ceremonies, the "Senator from Galveston" was invariably the speaker for the day; and

Whereas, Senator "Tom," as he was called affectionately by fellow legislators, was also a great favorite with the press and was named by them as "the most useful member of the Senate" while he was in that body; and

Whereas, He was the sponsor of the first legislation in Texas designed to alleviate and prevent the rampaging flood waters of the, until that time, uncontrolled Colorado River, and he was responsible for enlargement of The University of Texas Medical Branch at Galveston and construction of the Galveston Psychopathic Hospital; and

Whereas, He was highly respected in both state and national political circles, and was one of the Texans who "brought home the bacon" through their oratory and cash guarantees to bring the 1928 National Democratic Convention to Houston; and

Whereas, His noteworthy accomplishments and interests were not limited to his profession and the political scene: he was a member of all Masonic bodies in Texas, a

past grand patron of the Order of the Eastern Star, a 33rd degree Mason, a director of the Scottish Rite Education Association of Texas; he held an honorary membership in the Gran Loza Rio de Janeiro and the Alzafar Shrine Temple, as well as various other Masonic bodies; he received a certificate of distinguished service to Texas in recognition of passage of legislation which established the American Legion-sponsored Texas Memorial Museum in Austin in 1935; and

Whereas, He was an ardent student of Texas history and an authority on heroes of the Republic; he was especially well-informed on the life of George E. Childress, father of the Texas Declaration of Independence, and of Richard Ellis, who wrote the Texas Constitution; for his outstanding work and knowledge in this field he was awarded the honorary Doctor of Laws degree from St. Edward's University in Austin; and

Whereas, He was a member of the Church of Christ and continued active in its service as long as he was physically able; and

Whereas, The death of Senator T. J. Holbrook, whose grandfather, Thomas Perry Holbrook, came to Texas in the days of the Republic, marked the close of an era when golden-voiced oratory and personal contact with voters, and professions of standing on political issues were criteria for election rather than time purchased on radio-television networks and taped speeches and interviews; and

Whereas, It is appropriate that the Texas Legislature pay tribute to this great Texan—lawmaker and lawyer, teacher and humanitarian, orator and historian—who by his inspired service to his state has left his mark upon its history; now, therefore, be it

Resolved, by the Senate of the 59th Legislature, the House of Representatives concurring, That by this Resolution we pay respect to the memory of Thomas Jefferson Holbrook, who now rests in the State Cemetery at Austin, a place reserved for heroes and officials of Texas, and where he made the stirring address which consigned the body of Santa Anna's captor to that soil as it was reinterred there on Armistice Day, 1936; and be it further

Resolved, That the Texas Legislature extends its sympathy to his wife, Mrs. Abigail Curlee Holbrook of Austin, and his three sisters—Mrs. W. S. Poe and Mrs. Frances Cooper of Eastland, and Mrs. Charles Ellis of Copperas Cove—and that copies of this Resolution be prepared for them as an expression of the esteem of this Body for Thomas Jefferson Holbrook; and be it further

Resolved, That when the houses of the Legislature adjourn this day, that they do so in memory of former Senator Thomas Jefferson Holbrook.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Haslewood, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

In Memory of
Mrs. Ruth Barge

Senator Herring offered the following resolution:

(Senate Resolution 745)

Whereas, The close friends and associates of Mrs. Ruth Barge, for many years an efficient and highly respected secretary of the Texas Legislature, were deeply saddened by her untimely death on April 2, 1965, at the age of 62; and

Whereas, Mrs. Barge, the wife of Fred Barge, worked in both the Texas House of Representatives and the Senate, where she was secretary to former Senators G. C. Morris, Warren McDonald, Gus Strauss and Jep Fuller; and

Whereas, She served in many civic activities and was a member of the board of directors of the Children's Home; she was a member of Alpha Delta Pi, Woman's Club, and Woman's Society of Christian Service of the First Methodist Church; and

Whereas, This outstanding Texas woman was known for her charm and warm friendliness, and many secretaries and other employees sought and received her advice and assistance as they came in contact with problems peculiar to legislative employment; and

Whereas, Mrs. Barge gave unselfishly of herself to the problems of others, even during times of personal tragedy. She lost a beloved young daughter only a few years before her own death. She will be sorely missed by those who knew, loved and respected her, and, particularly, by the family she leaves behind; now, therefore, be it

Resolved, That the Senate of the 59th Legislature pay tribute to Mrs. Ruth Barge and extend sincere sympathy for their great loss to her husband, Fred Barge; her son, Murray Barge; her mother, Mrs. J. W. Saxon, all of Austin; three brothers: Sam Saxon of Austin, Jesse J. Saxon of El Paso, and Thomas L. Saxon of Bryan; and two sisters, Mrs. George Haberlin of Austin and Mrs. Michael Davis of Houston; and directs that a copy of this Resolution be prepared for each of them in token of the respect and esteem of this body for her; and, be it further

Resolved, That when the Senate of Texas adjourns this day it do so in memory of Mrs. Ruth Barge.

The resolution was read and was adopted by a rising vote of the Senate.